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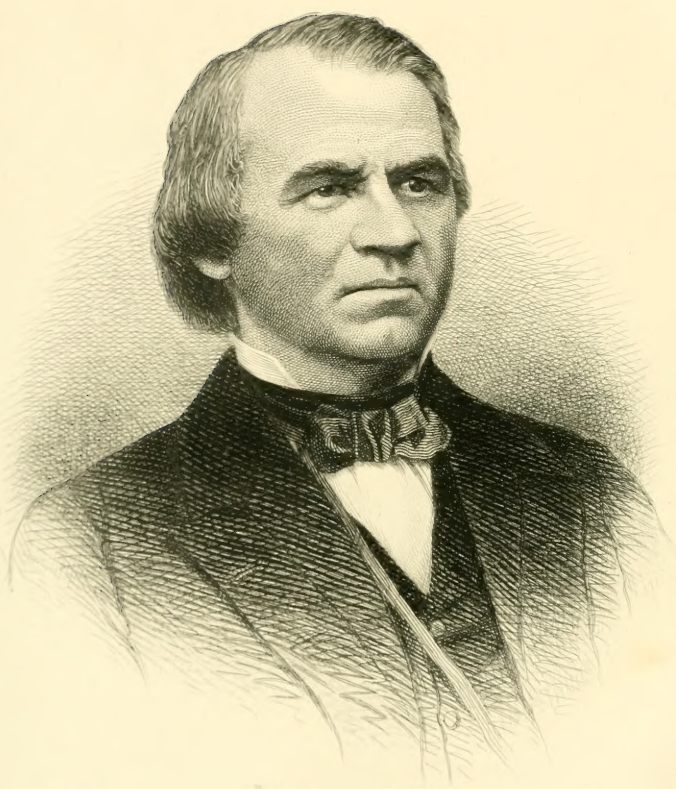
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Andrew Johnson

THE REPUBLIC;
OR,
A HISTORY
OF THE
UNITED STATES OF AMERICA
IN
THE ADMINISTRATIONS,
FROM THE MONARCHIC COLONIAL DAYS
TO THE PRESENT TIMES.

BY
JOHN ROBERT IRELAN, M. D.

IN EIGHTEEN VOLUMES.

Volume XVIII.

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HISTORY
OF THE
LIFE, ADMINISTRATION,
AND TIMES
OF
ANDREW JOHNSON,
Seventeenth President of the United States.

Reconstruction of the Union,
AND
Dawn of the New Era of National Progress.

BY
JOHN ROBERT IRELAN, M. D.

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PREFACE.

WHETHER this should be the final volume of this work or not, may be a matter of question. But in the discussion of this point the author is not disposed to take a prominent part. The period treated of, and in which is embraced most things now of interest in this Government and people, terminates with the subject of this volume; that is, the work of reconstruction after the War of the Rebellion. Another similar work, beginning where this ends, must be the history of a new era in the life of the Republic; of new men, new measures, new events, new spirit, of a regenerated nationality.

My task here ends. And the fact that the end has been reached does not vindicate the infallibility of those prophets who broadly intimated that the plan and undertaking were too vast for one man, and that the work should have been weakened, and its spirit, tone, and unity of purpose broken by the co-operation of several hands, of "many men of many minds."

The General Preface in the initial volume fully sets forth the scope and character of the work, none

of the promises of which, it is believed, have been departed from in the least. And although a few trifling verbal and matter-of-fact slips have been noted, it is earnestly hoped the work may commend and maintain itself for its easy, popular style, its comprehensiveness, its independence, its accuracy, its supply of an unbroken history which was at best fragmentary and full of gaps, and, not least, for the moral and patriotic tone in which it is cast.

The biographic side of the work has given a license which I have not been slow to use in lending latitude of expression, illustration, and criticism that could hardly be admissible in a field of pure history.

It may be held by some that the quoted matter, the substantial documentary part, is a mistake, and at least disfigures the whole work ; but a more careful consideration of the case must exhibit this feature as invaluable, and show that the real source of loss, if any, in this direction, lies in the necessity which often compelled the omission of documentary evidence.

It may also be said that the work is not a revelation, that it follows too much in what might be termed the common channels of information, and reveals no great secrets in the lives of the men and the Government. The General Preface to the work relieves the author of any pretensions on this point, if a knowledge of the character of the Government

and people could not do so. The diplomatic history of the country alone has, to any noteworthy extent, an unrevealed page. In this fact lies one of the sources of pride to the true citizen of the Republic. Neither the man, nor the Administration, nor the Government has a secret side undiscoverable by Yankee ingenuity, or beyond the chances of public inspection. To the industrious and persevering explorer, the channels of information are all open and common, in a general sense, however dim and unsatisfactory they may often be. But with all this, how many men could be found in an age who would be willing and able (or have the temerity, as I was told in New Hampshire) to give a quarter of a life-time to seeking and traveling these channels, difficult and, at times, unpleasant enough?

In the General Preface and in the body of the work credit has been duly given to helpers by the way. And, on the whole, it is confidently felt that all men, all parties, all principles, all practices, all systems of policy, all events and subjects, have been handled with the single purpose of portraying the truths of history, without a shadow of inclination in favor of the gainer or the loser. And I shall be gratified, if this year, next year, the next decade, or within my own days, my countrymen, from border to border, shall be found estimating the work in

some degree as I do myself; at all events, with their characteristic generosity and fairness.

In glancing over the characters mentioned in this work, it is natural enough to place the name of Washington at the head of them all. And yet, looking back through the long vista in which I have traveled and "labored" for years, and which is surrounded and filled with interesting people, wonderful events, and wonderful national progress, I feel little inclination to say that the choice of the people has not at any period been wise in the selection of their Chief Executives.

As a whole, the history of the United States, in these Administrations, will stand the severest criticism which can be applied to human governments. Each Administration has, in a manner, brought forward the work of the preceding period. However little has, in some cases, been done, not one has stood still; and a change of policy under party leaderships has had little influence on the great result.

The task has broadened my own views; and while seeking to deal fairly with men, principles, and events, partisan preferences have been weakened in myself, respect for great party conflicts destroyed, and the strong abiding sentiment left, that while God rules the affairs of the universe, the Republic will move on in its grand destiny.

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LIFE, ADMINISTRATION, AND TIMES

OF

ANDREW JOHNSON,

SIXTEENTH VICE-PRESIDENT AND SEVENTEENTH
PRESIDENT OF THE UNITED STATES.

April 15, 1865, to March 4, 1869.

CHAPTER I.

PARENTAGE AND EARLY LIFE OF ANDREW JOHNSON.

LITTLE has ever been written of the parents and family of President Johnson. Even their nationality is doubtful. This latter point may, at this day, in America be deemed a matter of little moment. A country which has for so long a time boasted of furnishing an asylum for the overburdened of every land, could take little pride now in attempts at unraveling the many-colored thread woven into its social fabric. Even in the South, where slavery created and maintained some distinctions not found elsewhere, and where it has been invidiously, and to some extent inaccurately, held that the aristocracy of blood or family was superior to that of brain and virtue, blood failed to assert itself, and the current, bent in every direction, became undistinguishable in its turbid branches.

Jacob Johnson, the father of Andrew Johnson, was an ignorant old man, who lived in Raleigh, North Carolina, and about him little could be said. Some strained efforts have indeed been made to wring something of unusual value out of his life and character, but the futility of the attempts is too apparent. One thing may be confidently asserted, be it much or little, that while a few words may tell of all the good there was in Jacob Johnson and his wife, in a common way of speaking there was no bad in them. In some of President Johnson's political races in Tennessee some of his opponents were in the habit of speaking very disparagingly of old Jacob Johnson; but there is no evidence that this was anything else than partisan insincerity, a species of low trickery to which men of almost every mental rank have resorted, usually with doubtful effects upon their own schemes. The most that may be said against Jacob Johnson, perhaps, was that he was a shiftless, improvident man, with little energy, and with little or no care about lifting himself and his family out of ignorance and social worthlessness.

In a remarkable "Life" of President Johnson, written by an American, but for what purpose it is not necessary to conjecture, I find these words:—

"A little more than fifty years ago, a poor but industrious couple resided in Raleigh, the Capital of North Carolina. Their social position was, necessarily, from their pecuniary circumstances, of that grade which debarred them from all save business intercourse with their more wealthy and aristocratic neighbors."

In another of these books may be seen this interesting remark about Jacob Johnson: "He was a poor man, but a man of probity and honor."

Among such ambiguous and two-edged commendations the North and the South met on common grounds in ante-war times, before Mason and Dixon's line was rubbed from the face of the common country, now fast losing its old political and social compass-points. To whatever extent the South monopolized the question of blood or pedigree, the North never fell behind in the aristocracy of wealth. Nor was ignorance ever a barrier to this aristocracy in the North. A good coat and a full pocket have been more than a match for everything else. However, few men who have had brain or character enough to write any kind of book, especially in the North, have ventured to assert that "pecuniary circumstances" alone could shut a man from all intercourse with his kind "save in business."

This whole subject of distinctions and difficulties between the rich and the poor is utterly unworthy of a moment's consideration, were it not for the startling aspects in which it places man as a selfish, ignorant, and erroneous animal. Men are lifted above other men, intrinsically, by what they acquire for themselves in mind and character, and genuine life from these. See if the calm judgment of the world, pagan or Christian, controverts this assertion. It is a sham elevation of man which is effected by the things constituting no part of him. Only those things which are within, and come from within him,

determine the real character of the man. Are "probity and honor" predicable of the poor only? Or is it rare that "probity and honor" can be attributed to the poor? Are poverty and crime synonymous things? Is wealth only upright and good? Is wealth a sure passport to refinement and wisdom? Most lives will be estimated in the end by their little, not their great, deeds. In this view, is the preponderance likely to be against those denominated the poor? Shall the poor woman's mite be the lightest? Who shall judge?

"Jesus saw the rich men casting their gifts into the treasury, and he saw also a certain poor widow casting in thither two mites; and he said, Of a truth, I say unto you, that this poor widow hath cast in more than they all."

But this true potency may not always be concealed behind these little deeds. Poverty and wealth, after all, are perhaps well balanced in the world, in their false pretenses and their evils. The fortunate condition of plenty, from contented and constant work of mind and body, escapes most follies in itself, and is never the envy of the two extremes, which are said to be natural enemies, if not curses, to their possessors.

If in many of those traits regarded as moral, Jacob Johnson and his wife were estimated from the character of their only distinguished child, the case would not be favorable to them. But Jacob Johnson, dying in January, 1812, three years after the birth of Andrew, had little to do with his training.

At the time of his death there appeared, it is said, in a Raleigh newspaper, this notice:—

“Died, in this city on Saturday last, Jacob Johnson, who had, for many years, occupied a humble but useful station in society. He was city constable, sexton, and porter of the State Bank. In his last illness he was visited by the principal inhabitants of the city, by all of whom he was esteemed for his honesty, sobriety, industry, and humane, friendly disposition. Among all by whom he was known and esteemed, none lament him more (except, perhaps, his relatives) than the publisher of this paper, for he owes his life, on a particular occasion, to the boldness and humanity of Johnson.”

These petty offices held by Jacob Johnson were at that day undoubtedly some index to his real character. And the good deed attributed to him here was one which few men have the opportunity to perform, but which is, in itself, not out of the ordinary disposition of men, risking his own life to save that of another. Thomas Henderson being accidentally thrown from a canoe, Johnson went into the river and rescued him.

Jacob Johnson left several children. Most of them followed their mother into Tennessee; and some of them finally settled in other portions of the Southwest, but none of them are now living.

President Johnson, the only member of this family of whom history can take any note, was born in a little one-story house at the Capital of North Carolina, December 29, 1808, and died on the last day of July, 1875.

If Andrew Johnson's mother cared anything about

the education of her children, and there is no evidence that she did, she could have done little for them in her circumstances. At that day, especially, schooling was out of the question to the children of the poor in the South. The consequence was that Mrs. Johnson's children went without anything of the kind. In a great city they would have been boot-blacks and "gamins;" as it was they were simply "white trash." It appears that she married again, but there are no indications that this event bettered the condition of her children in any way.

At the early age of ten Andrew was put in a shop to learn the tailor's trade, then, especially, very valuable. This undesirable trade presented then, as it does now indeed, some rare opportunities for improvement, of which Andrew Johnson in time had the spirit to take advantage; illustrating in his own career that the way to distinction in this country may lie within any honorable pursuit.

Before entering upon this trade, Johnson had some way, perhaps, learned a part of the alphabet; but he never had gone to school a day, and never did at any subsequent time spend a moment as a student in a school or college. According to the custom of that day, Johnson was indentured, and for years went quietly on in his long and irksome apprenticeship. But in the meantime he had learned to read. His inclination in this direction was discovered to him in listening to the reading of "The American Speaker" by some generous loafer who often visited the tailor's shop for that purpose. In hearing this

man read, Johnson, perhaps, got his first glimpse of his own passion for speaking. In this book, which was afterwards presented to him, he learned to read. Among his fellow-laborers in a shop which appears to have been quite extensive, he was the only one who had a quality susceptible of being aroused. "The American Speaker" in the hands of this unknown reader put him on the way to the Presidency. The taste for reading and desire for self-improvement started at this time never left him; and the determination, formed doubtlessly in the shop at Raleigh, "to be something," he never abandoned.

In 1824, guilty of some boyish offense, he ran away from his employer, J. J. Selby, and remained over a year working at his trade in South Carolina. Early in 1826 he returned to Raleigh, and seeking his old employer offered to pay him for the unexpired time on his indenture, but his expectations of an amicable settlement were not realized, and in September of that year he set out with all his "worldly effects" to seek his fortune in Tennessee.

Before this time he had assumed the responsibility of taking care of his mother. She accompanied him on his journey, which was made in a primitive style not yet out of fashion in that region. Imagine a wrinkled, swarthy little old woman with scant apparel and a few cooking utensils and other chattels in a rickety dog-cart drawn by her son; or at times she tripping along on foot to rest the willing horse in the tedious stretch over the mountains and among the hills! In this wretched plight it was

that Andrew Johnson, the future President of the United States, presented himself at Greenville, in East Tennessee, late in the fall of 1826.

During his stay in South Carolina he had accumulated a little fund which was to serve him now in this great adventure, but it does not appear that he was at all able to buy a horse. It was not unusual then, nor is it yet, for such poor and shiftless people in that country to travel afoot, themselves drawing their scant worldly goods in little carts. There is no evidence that Johnson did not enter his new field at the head of an outfit of this kind. It is also claimed by some of his friends and admirers in Tennessee that he brought with him, and actually hauled at times in the little cart, his step-father, and took care of him equally with his mother while they lived. But this dim tradition is flatly denied by other friends, who see no virtue in it to adorn a story at best too sadly plain for more pretentious days; and so it may rest among the things undecided in the "memory of man."

The following colored and very doubtful story is taken from the "Nashville American" of November 4, 1880, as copied from the "Louisville Courier-Journal," and while it sufficiently shows where the old Kentuckian draws too hard on his imagination, if he does not do so throughout, it well serves to illustrate the character of Johnson's earlier associations, and the kind of people from whom he sprang:—

"I stopped to-day and asked for dinner at the door of a neat little log house. It was near the division line of

Lewis and Carter Counties, but in which of the two I am unprepared to say. It was a very hospitable-looking house, with a neat front yard, surrounded by a paling fence. There were flowers in the yard, and a green vine clambered over the porch. All the out-buildings were comfortable, and the fields stretching away in the rear of the house bore evidences of careful cultivation. There were no unsightly brush-heaps, brier-patches, or stone-piles, and the fence-corners were clean. A trimly clad little woman, in a dress of some light material, responded to my summons, and invited me in. A broad-shouldered fellow came up from the stable and took my horse. The young woman ushered me into a pleasant room, which I suppose they call the 'dining-room.' It was a very pleasant room. A bright rag carpet was spread in front of the hearth, a table under the window was covered with books and papers, and there was a shelf filled with books in a little niche beside the chimney. A cabinet organ filled the other corner. A baby, chubby-faced and red-cheeked, slept in a cradle, which was gently rocked by an old man. This old man's face was seamed and furrowed, and his hair and beard were white, but he did not seem to be as old as one would at first judge. The lines deep graven in his face were care lines, and sorrow or sickness had whitened his hair and beard. Dinner was on the table; but the little woman who had invited me in brought out a jar of preserves, a dish of fruit, and some cake, and arranged them among the substantials. The broad-shouldered man came in directly, and I was introduced to him. He was the husband of the pleasant-faced woman, and the old man rocking the cradle was his father. Two boys came into the room as we were sitting down to the table, and they called the little woman mother. It seemed to be a very agreeable family, and I was glad I stopped. The old man took the head of the table opposite a leg of mutton, and I was placed on his right. Opposite me on

the wall was hung a fine steel portrait of Andrew Johnson. There were other pictures, but this one stood out prominently. The frame was gilt, very heavy, and protected from the flies and dust by gauze. It grew in proportion as I looked toward it from time to time, and it finally became the only object in the room. After dinner I stepped close under it to make a better examination. It was certainly a fine picture, and the bold signature of the great commoner was not a lithograph *fac-simile*, but a written autograph.

“‘That is a fine picture,’ I remarked.

“‘Yes, that’s Andy!’ replied the old man, and he walked up beside me and ran his hand lovingly over the face of the picture.

“‘You knew him, then?’ I again asked, beginning to get curious.

“‘Knew him!’ answered the old gentleman, stepping back to give the reply more emphasis; ‘why, stranger, Andy and I worked together on the tailor’s bench in Raleigh, forty odd years ago, and he was the best friend I ever had.’

“‘He was the best friend he ever had,’ was the refrain echoed by the two boys, the broad-shouldered man, and the pleasant-faced woman.

“‘I felt confident that there was an interesting story behind this, and I begged the old gentleman to tell it. He nodded his head, and I drew my chair up beside his. The boys and their father and mother drew up their chairs also.

“‘I knew Andy,’ he began, waving his hand toward the picture, ‘a good many years ago, when he was a ragged little boy, running around Raleigh. His father was a poor man, and got drowned when Andy was about nine years old. He lived with his mother; and was a good son, although he was very little and could n’t do much. He used to come to our shop a great deal. That was in the good

old days before they made shoddy cloth or ready-made clothes. We had nigh unto forty hands in our shop, and there were three other shops in town fully as large. Raleigh was not as big then as it is now, but I doubt very much if one tailor could make a good living there these days. Well, as I was saying, Andy used to come to the shop every day. I was always a great reader, and although Andy did n't know one letter from another he was always pestering me out of work hours to read to him. He was a pert sort of a boy, and I always told him he would be a great man some day. One fall business was brisk and the boss wanted a 'prentice. He took in Andy, and the boy was right glad to get something to do to help along his old mother. A 'prentice usually worked the first year for his keep and his clothes; but Andy could n't leave his mother, and the boss agreed to give him what it would cost to feed and clothe him in money.

“In them days a 'prentice served seven years, and Andy worked out his time. The day he was free he come to us and says: “Boys, I know it is the custom to treat when you get out of your time; but I have n't got the money, and you'll have to excuse me.” You see he gave all his money to his old mother, and we all knowed it. I said to one of the boys that day, says I, “Andy will be a great man one of these days;” but they just laughed at me. Andy worked about a month in our shop as a jour., and then went away to Abbeville and worked five or six months. The boss wrote for him, and he came back and worked steady till spring. He used to talk a great deal about the West; and one day he says to me: “Tom Lomsden, I'm going to quit Raleigh and go to Tennessee.” I said: “All right, Andy, do what you think best; but you are bound to be a great man some day.” He laughed; but the next day he called for a settlement from the boss, and that night he left Raleigh. I can see

him now. He was a gawky sort of a boy, and his clothes never did fit him. He had on a little cap, and a bundle of shirts and socks thrown over his shoulder. It was a bright moonlight night, and I walked out of town with him a matter of two miles. He was talking all the time about the great things he intended to do out West; and when we shook hands, and he bade me good-bye, the tears just rolled down his cheeks. • "Cheer up, Andy," says I, thinking to put a little heart in him; "Raleigh is no place for you. You'll succeed out there, and some day I hope to see you President, for you are bound to be a great man." This made him laugh, and he answered sort of joking like: "Well, if ever I get to be President, I won't forget my old friend Tom Lomsden." Mister, I never forgot those words, and what came after proved to me that Andy was a man of his word.

"As I said before, Andy could n't read or write, but I heard from him that summer. He had got a job, and saved up enough to send for his old mammy. After she went away from Raleigh I lost track of him; but I always said he was bound to be a great man, and I knew I would hear of him some day. Well, I worked on, and my boys got big enough to help me. I was never a great man to save money, however, and when the rainy day came I was n't prepared. The war came on; and although I was too old to go myself, I told the boys to go in my place, and do all they could to help whip the Yankees. You know we all thought Kentucky, Tennessee, and Maryland would join us; and I felt certain we would get our independence. You recollect how Andy loomed up in them days. I heard about it; and I says to everybody, "That's our Andy," for I knew he was bound to be a great man some day. People laughed at me, but I felt sure it was him; and when I heard about that speech at Nashville, and how he defied them, I knew it was Andy. Well, Andy thought one way and I thought another. He

thought he was right, and I knew I was. We did all we could, and three of the boys gave up their lives for the South; Bill and John at Gettysburg, and Jimmie down in Georgia, fighting Sherman. 'Tom, here,' with a nod toward the broad-shouldered man, 'was our baby, and I hated to see him go. He was working at Fayetteville; and one day I got a letter from him, in which he said that he had 'listed in the old 15th Infantry, and would leave the next day for the front. I got one other letter from him, and then the news came that he had been killed at Chancellorsville. His old mother took on powerful about it. She always was a weakly sort of a woman, and she just pined away like, mourning for Tom. She did n't live more 'n three months, and when she died I just give plumb up. They started a company of home-guards out of old men to do guard duty at Salisbury prison, and I joined 'em. We had a tolerable easy time; but I got wet one night, took sick with the bilious fever, and liked to have died. When I finally got well the rheumatism took hold of my old bones, and there were months at a time when I could n't touch my foot to the ground. What little money I had went; and when the surrender took place I had about twenty dollars left in a Confederate bill and a five-dollar gold-piece. One of my sisters lived in Catawba County, and I wrote and asked her if she would let me come and spend the few days I had to live at her home. Her husband wrote back that I was welcome to such as they had, and I spent my five-dollar gold-piece to get to 'em. They were monstrous poor, and had a large family of children. Although they were mighty kind to me, I could see that I was a burden to 'em, and I made up my mind to go to the infirmary. The rheumatism crippled me up so bad that I could n't work on the bench; and I tell you, stranger, things looked mighty dark for a childless, wifeless old man. One day I was studying what to do. I picked up a

paper, and the first line on the page caused an idea to flash into my head. It was something about the President, and I says: "I'll go to Andy; he will perhaps do something for his old friend." I thought at first I'd write, and then I concluded to go in person. I had no money to pay railroad fare; but my brother-in-law fixed up a little bundle of clothes, and I started out afoot. It was a long march, mister, but I kept moving on, and people all along the road was powerful kind to me. I think I was about ten weeks making the trip. A tailor who used to work with me in Raleigh lived in Alexandria, and I stayed all night with him. The next morning I got up bright and early, brushed up my clothes, and walked across the Long Bridge. I strolled around the city until mighty nigh noon, and then I inquired for the White House, and a boy directed me to it. When I got there I saw so many fine gentlemen and ladies goin' in and out that I was almost disheartened, and I turned back two or three times. You see, mister, I thought that if Andy had such fine visitors as them I would n't stand much of a show of seeing him. But I judged him wrong, sir; I judged him wrong. I followed the people into the house, and a fellow all covered with gold lace showed me into a room, where I was to sit until Andy was ready to receive visitors. I waited a half-hour, maybe, when two big doors at one end of the room were opened, and another fellow in uniform cried out: "The President."

"I went in with the rest, and there stood Andy on a little platform, shaking hands with this one, and speaking a word to that one. I sorter hung back to have a good look at him. It had been many years since I saw him, but I knew him in a minute. His hair was thinner, and turning gray, but he was the same old Andy. Before I knew it I had hold of his hand, and a fellow whispered my name, which they made me write on a little card. He was n't looking at me when he first took my hand,

but when the fellow in gold lace spoke, he leaned over and looked in my face.

““God bless my soul,” said he, “it’s my old friend, Tom Lomsden!” and then he turned to the officer and said something. The officer shouted: “The reception is over!” and Andy, still holding my hand, led me back into a little room behind the big one. There were lots of great men there, Senators and generals and Cabinet-officers, and Andy introduced me to ’em all. Andy was n’t a proud man, sir, and although he was President, he was n’t ashamed of me in my homespun clothes, or afraid to acknowledge that we had worked together on the tailor’s bench in old Raleigh.

““This is my old friend, Tom Lomsden, gentlemen,” he said, calling each one of ’em by name. “We worked together on the tailor’s bench in Raleigh, forty years ago.” And the gentlemen all shook hands with me, and inquired after my health, and I was just crying all the time. Andy saw it, and he excused himself from the great men and took me back into his own private room. “Tom,” he says, and I remember his exact words; “Tom, old boy, I’m damned glad to see you. I’ve got some good old corn-whisky here, and we’ll take a drink for the sake of old times.” He shook my hand, and I sorter managed to say: “I’m glad to see you, Andy. I always said you would be a great man, and am more than glad that you do n’t forget your old friends.”

““Well, sir, I stayed there two weeks, and Andy introduced me to all the great men, and was very kind to me. I told him all my troubles, and why I came to him, and he promised me that, although he was not a rich man, I should never want for anything. One day we were out walking together, and a squad of soldiers passed us. They saluted the President, and one of the men ran out of the line and shook hands with me. It was Tom there, whom I thought dead at Chancellorsville. He’ll tell you the rest.’

"The old man was crying now, and rocked the cradle violently to hide his tears. My eyes were a little obscured by moisture; but I turned to broad-shouldered Tom, and he related the sequel, which, you must admit, is a genuine mountain idyl.

"It was a long story, but briefly told about as follows: Tom was not killed, as reported, at Chancellorsville, but desperately wounded and made a prisoner. He was sent to Columbus, O., and when he recovered from his wounds managed to make his escape. He worked his way to the Ohio River, and one dark night attempted to cross into Kentucky. He was discovered by some home guards, pursued, and again wounded. He managed to land on the Kentucky side, however, and escaped in the darkness, dragging a shattered leg through the thick bushes. He hobbled along all that night, but grew weak from the loss of blood. He saw a log cabin in the distance, and nerved himself to reach it. The effort was successful, but he fell fainting across the threshold. The family living there were Union people, and the head of the household, Grimsey Webb, was in the body of home guards that surrounded the escaping rebel on the river the night before. They took him in, however, and nursed him back to life. Grimsey Webb had a daughter, Kate, who was constantly at the bedside of the wounded soldier. As is usual, under such romantic circumstances, an attachment sprang up between the two which ripened into love. When Tom Lomsden was able to move, Kate Webb had promised to marry him. The Union forces were in possession of the country, and they gave the fugitive the choice of going back to prison or joining the Union army. He elected to do the latter, enlisted, received his bounty, bade his sweetheart good-bye, and was marched off to the front. For gallantry during the latter days of the Confederacy, where the once grand army of Virginia fought the superior forces of the enemy with the desperation of despair, Tom Lomsden was made

a sergeant in Company K of the 102d Ohio, commanded by Colonel Routledge, and after the surrender at Appomattox he was transferred to the 57th Pennsylvania, and ordered to Washington for garrison duty. His regiment was mustered out of the service a few days after meeting his father, and he hastened back to Lewis County, Kentucky, to greet his sweetheart.

“‘We were not rich,’ said he, in conclusion, ‘but the President gave father one thousand dollars, and we bought this place.’

“‘He was the best friend I ever had; God bless him,’ said the old man, softly; ‘and down to the day of his death he sent me regularly every month twenty dollars. I was in hopes to be able to vote for him again for President, but the Lord took him away. He sent me that picture a few days before he died. He was the best friend I ever had, and I always said he would be a great man some day.’”

CHAPTER II.

MR. JOHNSON'S MARRIAGE—HIS PROGRESS IN LEARNING—
HIS DEVOTED AND NOBLE TEACHER.

THE manner of Johnson's first appearance at Greenville was too common in East Tennessee to excite much attention or work to his disadvantage. He was soon engaged at his trade, and it was not long until he had erected the shanty which still exists and bears on its front the inscription, "A. Johnson, Tailor." This little shop is in view of the railroad at Greenville, and is inhabited by a negro family, once, in part, the "chattels" of the tailor. The little old house has two rooms in it, and is partly covered by creeping vines. It is held in considerable esteem as peculiarly illustrative of a nowise uncommon fact in the biographical history of republican America.

In that early and golden day it was the custom of tailors to make long tramps over the country, working in the towns they visited. Before firmly taking root at Greenville, Johnson made, at least, one of these trips. In this way he visited Nashville, Columbia, and other towns in Middle and West Tennessee; but finding Greenville more to his taste he returned to make it his permanent home. He did, however, try his chances over at Dandridge, in Jefferson

County, and perhaps at one or two other points, but both his inclinations and good fortune finally firmly fixed him at Greenville.

Not far from Johnson's little shop lived Eliza McCardle, the daughter of a shoe-maker. To this young woman Johnson was married before he had been in Greenville two years, and before either of them was of age. This proved to be a very fortunate step for the aspiring tailor. Greenville was even then a town of some pretensions, and had what was termed a good school, under the old order of things. McCardle had been able to give his only daughter some education, and this she at once turned to the advantage of the ambitious tailor whom she married. She was naturally possessed of fine traits, and all these were soon felt for good in the life of her husband. And although she was never very stout, she was of incalculable benefit to him, and especially in his earlier struggles to get on in the world. While he worked on the bench, she read to him, and to her he was indebted for his ability to write his own name. He was ambitious to advance, and every effort she bestowed upon him was rewarded by extraordinary success. She was his only school-master (if the unknown reader of "The American Speaker" at Raleigh be left out of the count), and few teachers ever had a more earnest and successful pupil.

Soon after his marriage Johnson took the care of old Mrs. McCardle, now a widow, and under his roof both his own and his wife's mother died.

Besides acquiring some little of the rudiments of learning, Johnson mainly devoted his efforts to history and politics, the road in which he believed he would gain distinction. This course greatly retarded his progress in acquiring such a knowledge from books as would best qualify him for business, and especially for years did he lose sight of the necessity of the ability to speak his native tongue correctly. This, indeed, he never could do. His wife was deficient in this respect herself, and of course could not be either teacher or incentive. In an age and among a people where good grammar was the exception instead of the rule, and where there was utter indifference on the subject of correct speech, he long neglected this essential element of success in a wide social and political field. He learned rapidly by contact with men of culture, and while the English grammar always remained, to some extent, a mystery to him, he not only became able in time to make a fairly smooth and admirable speech, but also to write a passably correct letter or other paper. Considering the difficulties surrounding his case, his success in letters was, perhaps, the most remarkable thing in his career. Nothing can better illustrate his progress than the two following letters to George W. Jones, written at dates seven years apart, and which are in every way exact copies of the originals now in possession of the Nashville Historical Society:—

“GREENVILLE, December 29, 1836.

“DEAR FRIEND,—I Received yours of the 14 of Nomb which affords me no small degree of Satisfaction to think

that you had not forgotten me, to receive a letter from one that I can call an associate and friend for truth, at all times a source of peculiar pride.

"you seem to be very much elated at the result of the late presidential election. I have no cause to despair as yet. VanBuren would have been my second choice. If he administers the Government as I trust he will & as he has promised, I have nothing to fear. I am more than gratified that the people has settled the question themselves & thereby prevented the election from going to the house of Representatives. I hope we have had the last president made by the house of Representatives. The president should at all times be made by the people and I would prefer an amendment to the Constitution of the United States to that effect so as the people would vote directly for president and vice president.

"In your letter you count up something like six districts that gave majorities for Mr. V. B. (VanBuren) which would have, under the old district mode of choosing electors, have entitled him to six votes, but by the present mode of choosing electors he is possessed (?) of every vote in the state. the general ticket system, as called, I have always opposed to, four years ago when first adopted to secure the entire vote for Mr. V. B. I then believed it to be wrong I still think so for I honestly think it violates one of the purest republican principles, and you know I opposed the passage of the Bill by the last legislature (yet anxious to secure every vote for White possible upon fair principles) I think every district should have it in their power to vote for who they please if it split the State into fifteen thousand parts. I have nothing of importance to write. I may now consider you as a candidate for re election to the State Legislature.

"Although we differ in opinions as to men I think we harmonize in principle and the idea of your being sustained upon republican principles is more than gratifying

to me, May you stand be firm & your Course onwards, for the honest and persevering will allways be Crowned with success & I trust you will not falter & tarry by the way until you reach that proud pinnaCle of fame which is your ultimate destiny. I say this not by way of flattery to you, for I have nothing to gain by it—When we parted in Nashville I told you if I ConCluded to Run again for the legislature I would write and let you know. I have not determined as yet whether I will again enter the political arena or not. I am inClined to think not. A politiCal life is a diffiCult one, and my pecuniary matters does not permit of my negleCt of my buisness All to gether My family is young Just Coming up & I must try and save something for a rainy day—and If I keep dabbling in politics I shall lose my business & spend what little I have all Ready made. When I think about beComing a Candidate again I see the difficulties I have had & still have to Contend with. I feal as though I had fastened to eaCh extremity a fifty six and to advanCe further is Impossible apparently at this time. If I should beCome a Candidate I shall have formadable opposition to Contend with. I am InClined to think there will be two Candidates run, One In the upper & one in the lower County then by creating a division at home giving the Candidate In the upper County double Chances. How this may turn out I Cant tell as yet. these are the sirmises of my friends. My friends are sanguine of success If I Run again, I donte like to be tanted too much by my enemies. I would Rather die In the last ditch than to be sCared off the track, but If let alone I will Retire for the present, the great obgeet will be my defeat the next Canvass beleeving if I am defeated I will be out of the way here after. If I Run I shall have the Rail Road and Vanburen to carry. It Is true there are some of both these parties that will support me, but the Redd hot will not. A grat many of friends want me to Run for the Senate against Braly of

Hawkins which would be no trouble My feelings are if I Run to Run over the old traCt. You will write me when you be Come Candidate & the organnsation of parties In your County. I will Conclude this InCoherent sCrowl You must pardon the many blunders, you Know the diffi-culties that the subscribed has labored under. enough said You will plase give my best respeCts to Col. Robertson to H & B Douglass my old friends,

"Nothing at this time But If I know the undesembled fealings of my own heart I Remain your friend and well wisher,

A. JOHNSON.

"Hon,, Go JONES."

The superscription on this letter reads: "The,, Hon,, Geo. Jones Esq Fayetteville LinColn County West teennssee (single)."

"GREENVILLE February 13th 1843.

(*Private.*)

"FRIEND JONES,—I received your letter of the 31st of Janary after a passage of 12 days and by the same mail I received the Knoxville Argus and Nashville Union, containing an account of a public meeting recently held Marshall Cqunty, which meeting I see was addressed by Polk, Nicholson and yourself. Which afforded me great pleasure to find that you had again begun to make some moves upon the chequer board of politics. Lincoln owes you a seat in Congress or anywhere else if you desire it, and as to having it in my power to meet you in the Congress of the United States, would be a source of deep satisfaction. I am now a Candidate to represent this district in the United States Congress, subject however to a Convention honestly gotten up, purely Conducted, and truly reflecting the will of the democratic party—Col McClelland it is understood wants to run, who has a large connection in the district, my relations are sCarCe you know and have to

rely on main strength and nothing else, what the result will be I can not tell certainly, there is one thing that is certain, that is, the common people by a large majority are for me. Ever since the bill passed laying the State off into Congressional districts, I had but one opinion in relation to you, Senator, and that was, that you were the man that ought to Represent it. I do believe and say it without flattery that you are the honest democrat in the State without exception. There are too many in our ranks that Cant and prate a great deal about democracy that really does not understand one thing about it, and too many of those that do preach one thing to the people and then act out a very different set of principles, We have had too many wolves in sheeps clothing among us for our good—Sir will you permit me to say one thing to you, and that is, press your claims, tell your friends, that you are anxious to serve them, it will not do to be reserved in these days, from all the information that I can learn directly or inderectly you are the choice of a large majority of the people—and if you submit your Claims to a Convention, do it as the last resort, and if then, be sure that the Convention be organized on such principles as will certainly and truly reflect the will of the democratic party. If I was to give an opinion at all it would be (that is, if you intend to submit to a Convention) to declare yourself a candidate for Congress subject to the dicission of a Convention *if necessary*. You will then have the advantage of having the field first, and if Hop, or any body else is dissatisfied with you, they will have all the trouble and responsibility of getting up a Convention, which will appear to your friends as though the intention is to rule you off, which will make you still stronger—As to Hopkins L. Young you know my opinion, without saying one word in this letter, and Samuel Young his brother, Judas Iseariot, who betrayed his Savior with a kiss, is an angel Comparatively speaking,

both of them are sublimely selfish and perfectly mercenary, in my humble opinion. In fine you must so arrange it, that you will be in the next Congress. Please say to my friend Ross that I have been attending to my E. Tenn. friend Scraggs since the adjournment of the Legislature. Give my best respects to him all so. Please give my respects to Mr. Rogers, Please give my respects to my particular friend Robert Furgutuson tell him I should like to hear from him at any time, he would condesend to drop me a few lines—Your fast friend,

“A. JOHNSON.

“GEO. W. JONES Esq

“N. B. Give my respects to B. and H. Douglas.

“A. JOHNSON.”

This wonderfully improved letter is simply addressed: “Geo. W. Jones Esq Fayetteville LinColn County Tennessee.”

Of Mr. Johnson's literary qualities little can be seen in most of his printed speeches and his official papers, as these passed through hands skillful in grammatical polish. Many of his off-hand speeches show him to advantage, while some of them fall beneath his real ability. A kind of disjointed swagger and repetition discoverable in them the printer could not remove, and about this defect earnest men in troublesome times did not care to concern themselves, or use against a man who was warm and powerful in a patriotic cause.

Mr. Johnson's reading, as has been said, was mainly confined to politics and history, and especially the former. No other man, who became President, excepting General Taylor, perhaps, was so little acquainted with science, philosophy, and gen-

eral literature. In the characters and lives of the five illiterate Presidents, Washington, Jackson, Taylor, Lincoln, and Johnson, there was little or no similarity.

General Taylor was a soldier simply, and made no pretensions to be anything else. Even as a soldier he was only "rough and ready." General Jackson's pretensions were preposterous, and beyond those of any of these men, or all others who rose to note. His knowledge of affairs and men was good, but about his scientific and literary attainments it would be ridiculous to talk. Washington, while without scholarly acquirements, stood alone in his general knowledge and the exact and orderly methods of his life. Lincoln's attainments were far superior to Johnson's, and, in most respects, to the others mentioned here; but the secret to the greater part of his polish lay in his natural goodness.

Jackson's pomp and surface polish led Josiah Quincy, a hero-worshiper, to call him the most polite and dignified gentlemen he had ever met, and secured for "Old Hickory" the title of LL. D. And Lincoln's amiability and patriotism got for him the same ridiculous title. Dr. Andrew Jackson and Dr. Abraham Lincoln! How could such folly be perpetrated in the colleges and among the people of a nation claiming a high state of refinement and honesty? Although it may be second nature in America to say *General* Jackson, anything before or after these names, any title of distinction, lessens their strength, and detracts from their simple dignity.

CHAPTER III.

MR. JOHNSON'S EARLY STRUGGLES IN TENNESSEE—IN
THE LEGISLATURE—IN CONGRESS.

WHEN Johnson built his little shop at Greenville, tailoring was a certain and profitable business. The day of ready-made clothing had not yet arrived. Most men who were able patronized the tailor. From the outset Johnson was no spend-thrift. He was never a gambler or horse-racer, and, saving in two or three "indiscretions," never squandered his money. His first step was to save his surplus means, however little that was. He soon began to put this into land; and after a time was able to build the little one-story, four-room brick house, in which he lived during the first years of his political success. At a later day he moved into the more pretentious structure which was his home at the time of his death. Until 1843 he worked regularly at his bench, and was deemed a good and honest tailor. At this time it was he laid the foundation for the fortune of nearly a hundred thousand dollars, which he left to his family. During the intervals of his service in the State Legislature he worked almost constantly at his trade, Tennessee only having a session of the Legislature every two

years. After entering Congress, in 1843, his work at the bench substantially stopped; from that time on he was only a professional politician. He did his last job of tailoring, however, in 1853, during his first term as Governor.

Judge W. W. Pepper, of the Circuit Court, who resided at Springfield, in Robinson County, and who had been a blacksmith, made a shovel and tongs, and, finishing them highly, took them to Nashville, and presented them to Mr. Johnson soon after he became Governor, in 1853. Pepper was a Whig. Johnson was not the man to be outdone at a thing of this kind. He immediately sent for a tailor's tape, and insisted on taking Pepper's measure at once. In a few days he made with his own hands and presented the Judge a new coat. It is said to have been an excellent fit, and a fine piece of work, and in it he took his last stitch as a tailor.

At the very outset of his political career, notwithstanding his ignorance, Johnson exhibited a great deal of political sagacity, and an extraordinary ability for management. His ambition was evident, however out of place it may have appeared. Whether the friends of his boyhood, themselves ignorant, but having a faith characteristic of the ignorant in their possibilities, had inspired him with notions of his uncommon natural qualities, he certainly had such a view of himself, and never lost sight of the goal he had determined to reach. His progress was at first slow, and his pretensions were looked upon with jealousy and distrust by some of

the old party leaders, who regarded the honors and spoils of local politics as theirs by common consent, if not inheritance and blood also. But he kept on his course, and these dissatisfied politicians were not long in seeing their error as to his ability to cope with the Whig opposition.

In 1828 he was elected to his first public position, as one of the commissioners or aldermen of the town, and the next year was re-elected; and, strangely enough, in 1830 he was elected mayor. These were trifling offices, especially in such a town; but probably at that day, more than at the present time, they indicated some degree of worth and fitness, in addition to the faculty of management and "popularity among the boys." Johnson was in earnest, and this earnestness he made effective. His next step was in becoming trustee of the academy of the town. To this position he was appointed; but every one knows that even in large and so-called refined and educated communities the most illiterate and ignorant of men often push themselves forward for the management of the schools of learning. One of the most villainous mistakes ever made in this country is that men of this class can ever be better "business men" than properly educated ones, or that there can be any degree of comparative reliance placed upon the judgment or conduct of uneducated so-called "business men." The education which is valuable is that which brings out and sharpens and corrects all the useful faculties, that which develops and perfects the mind and life, that which tends to make

an unerring and perfect character, fitting man to be the truest, wisest, and best possible as the highest created being. Ignorance, or want of education, is the opposite of this, and its tendencies, acts, and results are in a different direction. The sum of all misfortunes and ugliness is ignorance and a disposition to remain in it. The greatest good to be reached on this earth, and the highest possible elevation, is to be found in the highest and purest state of culture, of refinement, of genuine education. This state is impossible without its moral side, or without Him who is perfection itself. The wise, the good, the true, and the beautiful are only where He is, or where He is felt to be. Life is only worth living for genuine refinement, for true wisdom and its uses, for good and true principles brought into action and made into character.

It was natural for Johnson to take the side of that rather indefinite thing called "the people." On his bench and in the "debating society" he had thoroughly demonstrated where his affections were, and the course he was preparing to take. He was against monopolies, against aristocracies, against distinctions, against heaping burdens on the shoulders of those who could barely walk under such as they were willing to impose themselves. These saw in their friend one of themselves, and took him up. Some of his traits were dangerous, and pointed toward the possible demagogue, but how wisely and well he trimmed clear of this breaker must be seen hereafter.

In 1834, Tennessee adopted a new constitution, and this Johnson favored as being less oppressive and more democratic than the old one of 1796; and in the following year he announced himself as a candidate for the first Legislature under this new instrument. He had served two or three years as mayor of the village, but this last adventure was deemed audacious, and the Democratic leaders were slow in adopting him; but he came with such force and dexterity against his Whig adversary, that they finally concluded to submit to his pretensions. He was elected. Of his appearance and conduct at this time one who knew him best wrote:—

“In that body, though but few, if any, discerned the elements of character he afterwards developed, he made more than the ordinary impression of a new member. He was punctual, laborious, but not unduly forward. He kept a vigilant eye on the legislation proposed in molding the order of things under the new constitution, and judiciously participating in debate. His style was less assured and vehement than afterwards; but nevertheless ready and pointed. Though plainly clad, and not so robust in figure as in later life, his marked and expressive features presented him well, and engaged attention when he arose to speak. An important measure of that session was an act for internal improvements—the building of a system of macadamized turnpikes at the expense of the State treasury. Mr. Johnson’s course in regard to this was strongly illustrative of candor and boldness, as well as of tenacious adherence to constitutional limits in legislation, which he ever so consistently and signally displayed. His own mountain-bound section of the State, under the operation of the law, would derive benefits greatly

desired—ready means of inter-communication, as well as accessibility to other sections, then quite difficult. It was, therefore, popular in that region, and a number of its leading advocates were from East Tennessee. Mr. Johnson gravely doubted the power of the General Assembly to impose a tax upon the people for an extraordinary purpose without the previous consent expressed at the polls, and seriously questioned the abstract right and propriety of incurring an indebtedness of the State, bearing interest, for any object, however desirable or laudable. From a fund thus acquired, he was jealous to apprehend misapplication of its use. With these views he strenuously opposed the enactment of the measure, notwithstanding the expected advantage to accrue to the people whom he represented. In this early step there was nothing of the odor of demagoguery, which since has been erroneously charged against him. Indeed, to this manly independence of the popular desire was, in great part, to be attributed his defeat for re-election in 1837. Two years later, however, he appealed a third time to the people. Some of the consequences of the favorite measure which he had foretold, had been observed, and he was triumphantly returned. His bearing and legislative service at this session gave evidence of enlarged information on questions meriting public attention, and of ripening powers. A single defeat had not discouraged him, nor in the least relaxed his ardor. In 1840 he was nominated a candidate, for the State at large, for Presidential elector, on the Democratic ticket, and appeared in debate with various gentlemen of distinction on the opposing ticket. His experience in speaking before the people and in the halls of legislation had begotten confidence in his capacity. He was thoroughly informed upon the current questions and principles at issue, and in these forensic struggles he bore himself the equal of any whom he met. Those who witnessed them perceived that he was in a sphere in which

he was qualified to become eminent. He was elected a member of the State Senate in the year following. The period was one of intense political antagonism. The Whig party, successful in the Federal elections, had suffered a disaster in the early death of President Harrison, and the alleged defection of his successor to its principles in an important object to its great leaders—the establishment of a bank of the United States. Mr. Johnson was then, as ever afterwards, a determined opponent of powerful fiscal corporations, holding them to be inimical to the rights and interests of the mass of the people, and promotive of public corruption. He felt it to be a public duty to oppose, by every legitimate means, the ascendancy in Congress of the party advocating this measure. In great part, this question entered as an element in the election of United States Senators, which then devolved upon the General Assembly, and Mr. Johnson was one of the Democratic majority of the State Senate—known in the political parlance of the time as “the immortal thirteen”—whose refusal to act thwarted an election. This produced an angry contest, and the arguments in attack and defense were of a mixed legal and partisan character. At this session Mr. Johnson was the author of a bill providing for a scheme of internal improvements, which he held to be safely practicable, and not obnoxious to the objections which he had urged to the measure of a previous Legislature.”

In 1836 he was not friendly to the election of Martin Van Buren, supporting and canvassing for Hugh L. White, of his own State. In 1840, however, he was a Van Buren elector and worked in East Tennessee for his re-election. He was now considered a good public speaker. Slow and measured in manner, he exhibited a peculiar faculty for dealing

directly with facts. Mere declaimers were left behind by him, and suiting himself to the understanding, as well as the wants, of the "masses," he carried them with him. Nor was there anything in the way of leading or sectional political principles in which he was obnoxious to any class of the people of the State. Reared in the midst of slavery, and familiar with all the arguments in its support, and identified in political and social interests with the friends of slavery, he was himself a pro-slavery man, standing unquestionably among the defenders of the institution until after the beginning of the Rebellion. He favored the measures of the leaders of his section for the protection of slavery, and even for advancing its territorial interests and extension. He was a Southern man in all the term implies, until slavery attempted to divide the Union. He bought and sold negroes himself when he became able to do so. When the war came on, he was one of the first, however, to see that it would be fatal to slavery. There are men in Nashville now who think Johnson was one of the first Southerners to declare in favor of the destruction of slavery after the inauguration of the Rebellion, soon after he entered upon his office of Military Governor of the State, and before it had been declared a necessity at Washington.

In 1841, he was elected to the State Senate, and in 1843, was the Democratic candidate against John A. Asken in his district for Congress. He was successful, and in December took his seat in that body. To this position he was re-elected every two years,

serving until 1853. George W. Jones, the writer before quoted, says of Mr. Johnson in this widely extended field:—

“In the sessions of that body, he was diligently attentive to the business transpiring; in the intervals, he was discharging duty on committees, or intently seeking information from the library and every source at his command. He knew no idle hours, but was incessantly equipping for the discharge of the functions which the people had committed to his trust, and the making for himself an honorable fame. He was somewhat sensitive on one point, and quickly resented a derogatory allusion. In his first session, in the course of a discussion on the tariff, a colleague from this State made reference to his mechanical occupation. Mr. Johnson instantly interrupted him, and demanded to know if he spoke contemptuously. The intention was promptly disavowed. It is a mistake to suppose that he was accustomed to artfully introduce this feature of his life to propitiate popular favor. Neither was he ashamed of it, but quietly proud rather, and prouder still of the free institutions which fostered the effort to rise from humble station. During the long period of his service in the Lower House of Congress, he was a frequent partaker in the debates on all the leading questions before the body. The two great parties alternated in predominance, and the lines of division were distinctly drawn. As a rule, he acted with his political associates, but there was a vein of independence in his course which, on occasions, resisted the trammel of party dictation; and, when moving in concert, his reasons were always his own. This ingredient of character early attracted the notice of the eminent and sagacious John Quincy Adams, so long an ornament of the House, who spoke of him as an acute and original thinker, and foresaw the distinction of which he was capable. Out of this element in his composition grew a number of frank

utterances which produced criticisms among his political friends at home, and cost him several severe contests for the retention of his seat—those of 1847 and 1851 will be remembered. Before the people, however, the formidable disaffection in party ranks notwithstanding, he was invincible. His first effort in Congress was a speech in favor of the bill refunding the fine imposed on General Jackson by Judge Hall in 1815. He spoke also on the measure for the annexation of Texas; and during its course, in a number of speeches, defended the justness of the war with Mexico. His speech on tariff revision, which resulted in the law of 1846, exhibited thorough research and knowledge of that intricate subject. The erection of special industries into monopolies by a protective tariff system, he held to be partial and unjust, and grossly injurious to the interests of the most numerous classes of the people, and moreover, in contravention of the cardinal principles of free government. In regard to the Oregon boundary-line, and the threatened difficulty with the British Government, he sustained the policy of President Polk. He was a strenuous advocate of retrenchment in the expenses of the Government, which he perceived to be unnecessarily and inordinately large in many features, chiefly so in extraordinary and useless offices and large salaries. He favored simple and economical administration, in the interest of the toiling tax-payers, and as a potent instrumentality in repressing the inevitable tendency to corruption. A speech on this subject, of great earnestness, was construed as an attack on the then Democratic Administration, and gave umbrage in some quarters. But it was not his way to withhold the expression of his views under dread of any disapprobation. In a debate arising upon an important question then prominent, he delivered an incisive speech in advocacy of the Executive veto power, in which he traced a contrast between its wholesome use as a feature of republican government, and the kingly negative under

a monarchical system. He defended it as a conservative clause of the Constitution, designed to restrain hasty, improvident, and sectional legislation, proper to be wielded by the Chief Magistrate as the representative of the whole people. Perhaps the most glowing dream of his ambition did not forecast the era twenty years later, when he should boldly exercise it in circumstances perilous with the crisis of his public career. About this period he initiated his long and persistent struggle to secure the enactment of a law granting a homestead of one hundred and sixty acres of the public lands to any citizen who should occupy and cultivate a part of it for a specified number of years. This measure encountered both discouragement and opposition from various sources. The great and overshadowing question of slavery and its complication with territorial settlement, was an obstructing prejudice to its intrinsic merits. Upon this rich and vast domain which it was proposed to reserve for this purpose, the eager eyes of incorporated greed, was vulture-like, were already gloating. The homestead law was designed as a bounty to enterprise and frugal industry and the encouragement of thrifty citizenship, the richest treasure a nation may have; but a powerful influence strove to retain it for ripening schemes of selfish speculation adroitly masked. But Andrew Johnson conspicuously championed the measure, and at a time and under circumstances when considerations of sectional popularity would have deterred a less intrepid and independent man. He may be said to have been its projector, and his name is indissolubly identified with this legislation, so beneficent to thousands, and so sagacious and statesman-like. It is one of that class of laws which crown their authors with the blessings of generations of people. The many homes on the teeming acres of the great West stands as a monument to the wisdom and courage of Mr. Johnson. In the agitation ensuing upon the territorial acquisitions from Mexico with reference to slavery, as a Southern man, Mr. Johnson

steadily upheld the rights and interests of his section as guaranteed under the Constitution. In the exciting debates to which this portentous question led, he did not assume extreme ground touching the institution of slavery, nor advocate its extension as a means of maintaining the balance of political power between the Free and Slave States. He did, however, defend its Constitutional sanctions where it then existed, and in the common territory of the United States, as a species of property as inviolable as any other. As to the policy and perpetuity of this peculiar institution, he held that the former was settled in the fact that it existed, and was thoroughly incorporated in the body of society, and that the latter was a question out of the province of the powers of the General Government, and determinable only by a variety of economical considerations, as time might develop. An aggressive war upon it as a moral and social wrong, which was to be hedged by inhibiting its spread, he despised as fanatical, and violative of the spirit in which the Federal Union was formed, and deprecated it as threatening to incite a sentiment imperiling alike the Union and the Constitution, the safeguard of all institutions."

He warmly supported Polk's Administration, and mainly took the Southern views of the questions involved. Still it is by no means apparent that he was ever deeply in love with slavery, or that his support of its interests was not with him a political necessity. While he advocated the annexation of Texas, he did it on grounds somewhat peculiar, as may be seen in the following extract from his speech on the subject in the House:—

"Admit, for the sake of the argument, the fact that the title set up by Texas, to herself, is not clear beyond

dispute; admit, also, the fact of her passing voluntarily under the jurisdiction of the United States, thereby putting this Government in possession of the whole country. Once in possession, this Government is not merely bound to rely on the possessory title, but is cast back upon her more ancient right, acquired by treaty from France in 1803, which is beyond dispute, and good against the world, and places this Government in a position that will enable her to do justice to a brave and patriotic people, by incorporating them into the Union, and thereby redeem its plighted faith. The title to the whole country was legally and Constitutionally acquired from France in 1803. In 1819 it had been surrendered, or ceded, to Spain, contrary to the consent of the inhabitants, in disregard of national law, and by trampling under foot treaty stipulations, solemnly made and entered into. . . .

“If the premises be correctly laid, and the conclusions be lawfully drawn, the whole question resolves itself into a plain, simple proposition of admitting a new State into the Union, a power which no one doubts or denies; and all that remains for Congress now to do, is to prescribe the mode and manner of admission. I think the great error the committee has fallen into in the discussion of this subject, is the confounding of two separate and distinct things; the one, to acquire territory under the treaty-making power; the other, the admission of new States into the Union. It has been contended by some, since this discussion commenced, that the Government must first acquire the territory by treaty, and then, I suppose, keep it in a kind of political probation for a certain length of time, and then admit the territory so acquired into the Union as a sovereign State. The acquisition of territory under the treaty-making power is wholly incidental. There is nowhere to be found in the Constitution the power expressly conferred on the General Government to acquire territory. If the admission of new States into the

Union be made dependent upon the exercise of an incidental power, flowing from the treaty-making power to acquire territory, the express grant of power becomes the inferior and subordinate to the incidental power, which is an absurdity in itself. The admission of a sovereign State into the Union is not an acquisition of territory in the sense that territory is or can be acquired under the treaty-making power. They are wholly different. When territory is acquired by this Government, under the treaty-making power, the entire jurisdiction and right inure to this Government; or, in other words, the territory so acquired becomes the property and creature of the States composing the Union at the time of such acquisition. Not so when a State is admitted into the Union. She then comes in as an integral, clothed with all the attributes of the other sovereignties, retaining the entire control and disposition of her own territory. The admission of Georgia and North Carolina into the Union, after the adoption of the Federal Constitution by the other States, did not vest the right of territory in the Federal Government. For long after their admission into the Union as States they made deeds of cession of their territory to the General Government. . . .

“The profitable employment it would give to slave-labor, thereby enabling the master to clothe and feed that portion of our population, softening and alleviating their condition; and in the end, when it shall please Him who works out all great events by general laws, prove to be the gateway out of which the sable sons of Africa are to pass from bondage to freedom; where they can become merged in a population congenial with themselves, who know and feel no distinction in consequence of the various hues of skin or crosses of blood.”

Here was a new doctrine as to the advantages of annexation, one which never could have struck a

responsive chord in the South. Texas was not meant to be a gateway to freedom, but to slavery. This theory of placing slavery on the road to ultimate extinction must have had an unwelcome ring about it in the South. "He who works out all great events" did not, under the Southern plan, work that way.

Mr. Johnson was at first a strong advocate of the line of 54° 40' in the north-western boundary question, but subsequently, like most of his party, quietly fell into Mr. Polk's plan of adjustment. On the Oregon boundary difficulty he said before Congress:—

"When discussing a question so important as the one now presented to the House and the country, it should be in a spirit of calm deliberation; and we should consider well the consequences that are to follow from the action that is to be taken by this House upon it. I know that since this discussion commenced we have heard much of wars and rumors of wars; and that the passions and feelings of the country have been addressed to a very great extent. So far as I am concerned, if I know the feelings of my own bosom, I am for peace, if peace can be continued on honorable terms. But if, in adopting the means which we believe best calculated to secure peace, war is to be the result, I am prepared for the consequences. No member of this House desires peace more earnestly than I do. Yes, in the language of high authority, I desire the day speedily to come when we shall have 'peace on earth and good-will among men' throughout the world. I wish I could hope that the beginning of that glorious era would commence in my day and generation. If I could believe there was a reasonable prospect, I should now stand on tiptoe, as it were, stretching my ken to its utmost tension, to discover the streaks of the dawn of that glorious morning. But, as ardently as I desire peace for my country, I must take that view of this subject,

and that stand upon the question under consideration, which I believe my position and the rights, the interests, and the honor of my country demand. . . .

“I am for giving the notice, as recommended by the President of the United States, as the surest means of preserving peace between the two nations, which is so much desired by every lover of his kind. I believe that Great Britain will treat upon more favorable terms after the notice is given to terminate the joint occupancy, than she would before. The giving the notice can not be construed by the English Government into a hostile move on the part of the United States. The giving of the notice is expressly provided for in the Convention of 1827. It is one of the stipulations agreed upon by the high contracting parties, to be exercised by either at any time, without any just cause of offense to the other. I further contend that the giving the twelve-months’ notice will increase the chances of settling this question without war; without the notice, sooner or later, war is inevitable. The idea of two governments—the laws, institutions, manners, and customs of whose peoples are different from each other—exercising jurisdiction, criminal and civil, at the same time, over the same territory, but upon the subjects of the respective governments living promiscuously together, would never do in practice, however plausible in theory. A policy of this kind would most assuredly lead to war; conflicts would take place between the two jurisdictions; jealousy among the people claiming protection under different governments, would finally result in outbreaks and violence. The certain result of each government continuing to protect its own citizens in Oregon would be war. I shall vote for the ‘notice’ as a peace measure. I look upon the notice as holding out the olive-branch of peace in time to prevent war in future. I believe it would be so construed by the Christian world. But, if in taking steps to attain so desirable an end as peace, war should be the consequence, why the nation must be prepared for the worst. Let the notice be given. . . .

“I have no doubt but that our title to the whole of Oregon is ‘clear and unquestionable.’ On examining the subject, we find that Spain made the first discovery in 1528. That was

followed up by a discovery in 1775, three years before Great Britain's discovery; and this was followed up again by landing at the mouth of the Columbia River in 1792, the year of Captain Gray's first discovery. Then came the exploration of Lewis and Clarke in 1806, then the settlement of Astoria in 1810, and in 1819 the purchase by this Government of all the title Spain had to this Oregon Territory (Great Britain stood by, and did not dispute that purchase being made); and in 1824 the United States transferred a portion of this territory to Russia, fixing the line of $54^{\circ} 40'$ as the boundary between the two governments. In 1825 Great Britain negotiated with Russia for a portion of the same territory; and now upon the north of that line, she holds absolute possession, derived from Russia, which latter power had derived her power from the United States, the United States having purchased from Spain all her title in 1819. I consider Great Britain as estopped from objecting to our title. She holds the territory north of $54^{\circ} 40'$, under the same title that we hold the territory south of it. . . .

"A great deal has been said in this debate about the British lion and the American eagle. Let the British lion growl, let him assume a menacing attitude, if he is so inclined. He will be closely watched in the distance, from Oregon's lofty peak of Mount St. Helen's, which lifts its proud and majestic form fifteen thousand feet above the ocean-level, by the American eagle, with talons more terrible than the glittering spear of Mars; with an eye that does not wince, though coming in contact with the sun's brightest rays. If that same British lion shall approach, if he shall dare make a hostile foot-print on our shore, then will the armor-bearer of Jove descend from his lofty position, and uttering a scream of bolder defiance than ever was heard from him before, he will strike terror to the heart of the forest-monarch, and force him, cowering and roaring, dastardly to retreat, with blood dripping from his mane, from a soil he has dared to pollute by his impious tread. We will not 'track him around the globe,' in the language of the gentleman from Virginia (Mr. Hunter), but we will drive him forever from this continent."

CHAPTER IV.

MR. JOHNSON TWICE ELECTED GOVERNOR—THE HERMITAGE—GOVERNOR JOHNSON IN CONGRESS—HIS EFFORTS AGAINST THE LAND KINGS—HOMESTEADS FOR THE PEOPLE—SPIRITED RECORD.

MR. JOHNSON'S first Congressional period was mainly satisfactory to the constituency he represented. He had grown greatly in the esteem of the more radical members of the Democratic party, and especially in the North. His Democracy was always, indeed, of a too wide and rugged character to be quite congenial to the people of his section; and, perhaps, out of East Tennessee he never would have met with such remarkable success. Leaving out of consideration his origin and his leveling democracy, however, he was by no means lacking in those elements which a leader of any kind in the South was universally required to possess. At the head of these qualities was then placed personal bravery, and no Southerner ever had occasion to think that Andrew Johnson did not reach the legal standard in this respect.

Threats of assassination had been carried to his ears long before he gained the highest office he hoped from his State, but he never swerved from his course on account of them. He never courted difficulty or

danger, and he never avoided it. It is said that on one occasion when he went to speak he laid a pistol on the stand before him, and delivered himself in this way:—

“FELLOW-CITIZENS,—It is proper when freemen assemble for the discussion of important public interests, that every thing should be done decently and in order. I have been informed that part of the business to be transacted on the present occasion is the assassination of the individual who now has the honor of addressing you. I beg respectfully to propose that this be the first business in order. Therefore, if any man has come here to-night for the purpose indicated, I do not say to him, Let him speak, but, Let him shoot.”

Then, after coolly waiting a few moments, with his hand on his pistol, he proceeded without disturbance in his speech. A writer says on this point:—

“At any time during the last fifty years a man could hardly be a governor of Tennessee without being physically brave; still less could he climb to that position from a tailor’s shop-board. In Tennessee the passions of men were hot, and, where arguments failed, there were not wanting ruffians to threaten the pistol and the bowie-knife. All that will be changed now; but when Andrew Johnson was on the stump there, he saw more men with than without pistols in their breast-pockets, and knives in their boots or parallel to their backbones. It was after Andrew Johnson was born that Andrew Jackson had his bloody affray with Thomas H. Benton in a public place of Nashville.

“When we were at Nashville, seven years ago, anecdotes of the coolness and courage of Governor Johnson were among the current coin of conversation. One

gentleman, a political opponent of the Governor, an eye-witness of the occurrence, told us that a placard was posted in the town one morning announcing, in the well-known language of old Tennessee, that Andy Johnson was to be shot 'on sight.' Friends of the Governor assembled at his house, desirous to form a body-guard to escort him to the State-house. 'No,' said he; 'gentlemen, if I am to be shot at, I want no man to be in the way of the bullet.' He walked alone, and with his usual deliberation, through the streets to his official apartments on Capitol Hill."

In May, 1853, the Democrats met in convention at Nashville, to nominate a candidate for governor. Johnson desired this nomination, and although he never had much skill in the management of, or faith in, political conventions, it was pretty fairly understood that he should be the nominee.

Andrew Ewing was his principal opponent before the convention. Johnson was not present, and the opposition against him appeared at the outset unexpectedly strong. His opponents artfully secured the adoption of the two-thirds rule to nominate, hoping in that way to defeat him. At the end of the first day's work his friends discovered that he lacked a few votes under this arrangement, and the case seemed hopeless. Johnson had himself written to Mr. Ewing as his friend to withdraw his name from the convention if at any time he saw the harmony of the party required that step. Mr. Ewing was present, and was quietly favoring the nomination of Johnson. But before the adjournment one of his own supporters gave notice that on the next day he should move that Andrew Ewing be declared the nominee.

George W. Jones, of Lincoln County, who was present as a looker-on, seeing the course his friend's case was taking, and believing that his defeat in the convention would be equivalent to the defeat of the party at the polls, determined to present an objection which would disarm the anti-Johnson faction. Andrew Ewing, it was plain, was the only man who could decide the action of the convention. Ewing had really committed himself to Johnson, and was bound in good faith, at least, to stand out of his way. As the convention adjourned for the night Mr. Jones expressed his opinion that a mistake was about to be committed; that East Tennessee had been promised the governorship; that Johnson was the only man who could make the race with success at that time, and that Mr. Ewing, while being acceptable to the party, could not accept the nomination if presented to him. There were honorable reasons which led him to that conclusion. The next morning, as he expected, Mr. Ewing called on him for his advice about his course before the convention that day. Jones told him of Johnson's advantages in the field, and reminded him of the fact that Johnson depended upon his (Ewing's) standing by him in the convention, as was well understood between them.

Mr. Ewing accordingly honorably appeared before the convention, and, after stating that he could not accept the nomination, moved the nomination of Andrew Johnson. His friends not being prepared for this turn in affairs followed his advice, and Johnson was made the nominee of the party.

In withdrawing his own name Mr. Ewing took occasion to say that he was, to some extent, influenced by information from Washington. This simple and unintentional statement was construed afterwards into a disposition on the part of Johnson and others to make the party in the State subservient to the will of politicians at the National Capital, and the whole matter worked greatly to Johnson's disadvantage in the race, although there was nothing in it except this conversation with Congressman Jones, Mr. Johnson's life-long friend and admirer.

The Whig candidate was Gustavus A. Henry, an eloquent lawyer; but after a thorough and remarkable canvass Johnson was elected, thus gaining the greatest triumph of his life, if not reaching the height of his ambition. This was a necessary advancement for the next and other succeeding steps. Had he failed now, there is no very reasonable grounds for supposing that the rest would have followed. The United States Senatorship was next in order, and from that came the Military Governorship and the Vice-Presidency. Mr. Johnson's Presidency may in this way be traced to the conduct of George W. Jones in directing the final choice of the Democratic Convention for Governor in 1853. Perhaps in other matters, as well as in politics, no man was of so much benefit to Andrew Johnson as Mr. Jones. The main circumstances in their careers were quite similar. Jones was a saddler by trade, and like Johnson had little advantages of education. He early turned his attention to politics. For sixteen con-

secutive years he was a member of the Lower House of Congress, ten of them serving with Johnson. They entered politics about the same time, first meeting as members of the Legislature. Jones was on the side of the Union until his State went with the Rebellion. He was a member of the "Confederate Congress," and remained so to the end, but mainly through a disposition to aid in rendering the evils of the times as tolerable as possible. When his friend became President he went to Washington, remained several weeks at the White House, and was the first rebel pardoned by Mr. Johnson.

On the 17th of October, 1853, Mr. Johnson entered upon his office as Governor. His inaugural address was considered a model among radical Democrats. His voice was for the many and against the few. Aristocracy and kingcraft were always his marks. He never lost an opportunity to strike them, and from these sources he received only censure. He was again nominated for Governor in 1855, and this time made the race against Meredith P. Gentry, the Whig or Know-Nothing candidate, a man of fine qualities as a popular speaker, but not comparable with Johnson in depth. He again "canvassed" the State, and this time had a new theme, in which he appeared to great advantage. The least Know-Nothing note jarred against his feelings. Religious intolerance was utterly impossible with him; and some other features of the "American" movement were offensive to him. As a whole he assailed it with great vehemence, with all the argu-

ments of the day. In this contest the Kansas-Nebraska Bill was made a prominent feature also. Of this Mr. Johnson subsequently said:—

“I canvassed the State from the mountains of Johnson County to the Chickasaw Bluffs in Shelby County. I was in nearly every county in the State, and well do I recollect the exciting events that took place during that canvass. I had a competitor who was eloquent, who is known to many members of this House, who was with me on every stump in the State. One of the leading issues in that canvass was the Kansas-Nebraska Bill. I pressed my competitor upon it before every audience, and there were scarcely ever such turn-outs in the State as during that canvass. It was one of the main issues between him and me. I pressed him upon it in every single speech I made in the State; and he uniformly declined to take ground. He was afraid to take ground against it or for it, as was then believed, for fear it would injure him in the canvass. . . . There was no doubt, in fact, that he harmonized with the Democratic party on that point, yet he shrank from the responsibility, with a view of getting many votes by taking a non-committal course. If he had taken bold ground against the Kansas-Nebraska Bill, with the other issues pending in that canvass, he would have been beaten thousands and thousands throughout the State; but from the fact of his taking a non-committal position on the Kansas-Nebraska Act, he was enabled to get many votes which he would not have received if he had taken bold ground on that question.”

The Legislature of Tennessee wisely meets only every alternate year, and so during his four years as Governor Mr. Johnson sent to that body but three general messages. They were notable for the absence of all formal and declamatory display, going

directly to the work in hand. In his first message to both Houses, December 19, 1853, he recommended a system of internal improvements; earnestly recommended enlarging and completing the public-school system of the State; invited attention to the need of reform in the management of the State prison; recommended reform of the judicial system; and urged the instruction of Congressmen to support a permanent national homestead law giving each citizen an opportunity to own one hundred and sixty acres of the public land.

In his second message in October, 1855, he again brought forward these recommendations, urged the attention of the Legislature to the improvement of the public roads, and recommended steps to be taken favoring an amendment of the National Constitution providing for doing away with the electoral system and electing the President and Vice-President by the direct vote of the people. In referring to the agricultural condition of the State he says:—

“When our people learn that the necessity for labor (work) is a blessing, rather than a curse; that ‘he who causes two blades of grass to grow where but one grew before, is a greater benefactor than he who conquers armies;’ and that honor, fame, and fortune may be as certainly earned in the workshop of the artisan as in the offices of the learned professions, and as freely accorded by the public sense to the former as to the latter, then we shall have lived down an obstacle in the way of State progress, as absurd as it is injurious.”

On October 6, 1857, he delivered his last message and in December was succeeded by Isham G. Harris.

In his last message Governor Johnson recommended the sale of stocks owned by the State in banks and other institutions and the application of the proceeds to the payment of the State's debts. He also recommended the State constitution to be amended to limit legislation without the consent of the people in creating State debts; opposed the banking system of the State; and asserted that banks which could not furnish the community with gold and silver currency from five dollars down were not entitled to the public confidence, and the sooner they were wound up the better it would be for the public good. In this message it is stated that, according to the act of the former session authorizing the purchase of five hundred acres of the "Hermitage" or Jackson farm, including the tomb and house of General Jackson, the purchase had been made; and that according to the act he had tendered the property to the General Government to be used for a branch of the West Point Military Academy; that Congress had declined the offer; and he now recommended the Hermitage to be made the home of the governors of the State. But the suggestion was not carried out, and Tennessee has no governor's residence. The Hermitage estate has been greatly reduced since its purchase by the State.

Although little of great general importance happened during Mr. Johnson's administration of the affairs of the State, yet it was a valuable period to Tennessee. While his principles and habits were too radically democratic to suit a large part of the people,

little can be said against his conduct of public affairs. In fact, this period of his career is looked upon with general esteem by Tennesseans. His mode of life as governor was, perhaps, not agreeable to the taste of his aristocratic constituency, yet some apology was made for a man who considered himself, in the strictest sense of the term, one of "the people." It was not until the inauguration of the Rebellion that Mr. Johnson became especially offensive.

During the last session of the Legislature under Governor Johnson's administration, he was, with a great degree of unanimity, chosen United States Senator for six years, and in December, 1857, took his seat in that body. He was now regarded as the leader of his party in Tennessee, and, as he said, regarded himself as having reached the height of his political ambition. His State had done all she could for him. At any rate, she had no more gifts to bestow, and could only intrigue and recommend him to national patronage.

At this time, on general principles, there was no doubt about the position occupied by Mr. Johnson. While his views were not wholly congenial to many of his political associates, he was simply a Democrat of the most radical school. Of so much importance did he hold himself at this time, that late in the winter of 1856, he made a trip all the way to Lancaster, Pennsylvania, to consult with the scholarly and dignified "Sage of Wheatland." And at the outset Mr. Buchanan had few more steadfast supporters than Andrew Johnson.

On his return home by the route through the Carolinas and Georgia, in a "railroad accident" his right arm was broken at the elbow. This proved to be a great source of annoyance to him, the bungling surgical operation leaving his arm short and stiff. He attempted himself to break the arm again in order to have it reset by more skillful hands, but in this he was not successful.

During his service in the Lower House of Congress Mr. Johnson became conspicuous in the advocacy of a homestead law, and this was his chief theme on entering the Senate. In a speech in April, 1852, he said:—

"What, then, is the proposition? We have acquired territory by the exercise of the treaty-making power. Where does the fee pass? The fee passed, upon its acquisition into the Government, as the trustee; the equity passed to the people in the aggregate; and this is merely a proposition to distribute, in severalty, the fee where the equity already resides. This is what it proposes, and gentlemen who can spin distinctions down to a fifteen-hundredth, can certainly understand a plain, common-sense proposition like this. O, say they, but you gave money for it, and you must have money back for it. Is money the only consideration you paid for it? Where are those gallant sons that now sleep in Mexico? Where are the ten thousand graves containing the bones of many of your best citizens? You owe it to the gallant dead, who now sleep in your own and in a foreign land, who sacrificed their all in the acquisition of the territory, to dispose of it in that way best calculated to promote the interest and happiness of those left behind. . . ."

"Let us now examine the second objection—that the result will be a diminution of the revenue. I say it is a revenue measure. I say it will increase the receipts into the Treasury. How? By the enhancement of the value of the remainder of your public domain. Let us take a case by way of illustration:

Take the laborer in society who has no profession, no trade, who has no fixed employment, and how much tax does he pay to the support of the Government under the present system? Scarcely anything. But take such a man, transplant him in the West upon one hundred and sixty acres of its fat virgin soil, and in a few years, when he clears a few acres around him, gets a horse and a mule or two, and some fat thrifty hogs, which come grunting up to his log cabin through the bushes, and a few milch-cows, lowing at the barn-yard, with their udders distended with rich milk, at once you have increased his ability—to do what? To purchase one hundred dollars' worth of foreign imports, or goods of domestic manufacture, when previously he could have bought little or nothing. I beg your attention while I take a single case to illustrate this principle. You have nine millions of quarter-sections of land, and you have three millions of qualified voters. Take one qualified voter who is the head of a family—say, a family of seven; you transplant him from the position where he is making hardly anything, and consequently buying but little, to a possession in the West of one hundred and sixty acres of land. Suppose you increase his ability, by bringing his labor in contact with the productive soil, to buy one dollar more than he bought before for each member of his family. That would be seven dollars more than he was able to purchase before, or two dollars and ten cents revenue to the Government. . . .

“Let us take a case more perceptible in its effects, and which would be felt in the treasury of the United States. Suppose you take a million of families of seven each, and transfer them to positions such as I have described, making seven millions of persons—one dollar increased ability to purchase per head will make seven millions. . . . Thirty per cent on seven millions amounts to two million one hundred thousand dollars—so much gain to the treasury. How much do you get for your public lands now? A little over two million dollars. By giving away—by *wasting*, as some say—only one-ninth part of the lands you bring into the treasury an increased revenue of two million one hundred thousand dollars, an amount greater than you now receive from the entire sales of your public lands, or *will* receive for the next sixteen

years, as we are informed by the Secretary of the Treasury. Does not every one see that is only the miniature view of the operation of the system? Is it not plain that when a man is placed in the position supposed and he begins to thrive, when his sons and daughters grow up around him, a school-house and meeting-house will be erected in his neighborhood, and the first year after he gets under *head-way*, he will spend more than fifty-six dollars in purchasing dresses and other comforts for his family? Suppose you average it at fifty-six dollars per family of seven, only eight dollars per head. One million of families would consume fifty-six million dollars' worth more, thirty per cent duty on which would amount to sixteen million eight hundred thousand dollars. Does the operation stop there? Not at all. The Secretary of the Treasury tells us that, for every six dollars' worth of imports consumed in the United States, there are ninety-four dollars' worth of home manufactured articles consumed, embracing furniture, agricultural products, etc. Suppose we reduce it down to one-half of what the Secretary makes it, fifty millions. Then, while you have increased the ability to consume fifty-six million dollars' worth of foreign imports, you have correspondingly increased his ability to buy fifty million dollars' worth of home manufactures. If time would allow me, I could show how much the Government will lose under the present system, and the length of time it will require to bring this public domain into cultivation, considering the time it has already been in operation. It would be some seven hundred years at the present rate of disposition. I could show, upon the principle of time operating on value, what a great advantage it would be to the Government to give the land away, and thereby induce its settlement and cultivation.

"It ought to be readily seen what immense advantage the Government would derive from giving the land to the cultivators, instead of keeping it on hand such a great length of time. We find by this process the Government would derive from each quarter-section, in six hundred years (throwing off the excess of nearly one hundred years), seventeen thousand dollars. This, then, shows on the one hand what the Government would gain by giving the land away. Now let us see what it will lose by retaining the land on hand this length of

time. Time operates on value as distance does on magnitude. A ball of very large size, when close to the eye, is seen in its fullest extent; but when removed to a certain distance dwindles to the human vision, or disappears altogether. So with the largest heavenly bodies, removed from the eye to the positions they occupy in space, they dwindle to a mere point. To the business, practical world a hundred dollars at the present time is worth just a hundred dollars. A hundred dollars just twelve months hence is worth just six per cent less; so on every twelve months, until the expiration of sixteen years and eight months, when it has lost an amount equal to the principal. So it will be perceived that in every sixteen years and eight months the Government loses an amount equal to the price asked for each quarter-section, which is two hundred dollars, by keeping it on hand. Sixteen will go into six hundred thirty-seven times, which would make seven thousand four hundred dollars the Government will lose.

“As to the third objection urged against this bill—that it is demagogism and agrarianism—I would ask, Is it demagogism to comply with the requirements of the Constitution? Is it agrarianism to permit a man to take that which is his own? Agrarianism consists, as I had supposed, in taking that which belongs to one man and giving it to another. Such is not the principle of this bill. We have nine million quarter-sections of land, and three million qualified voters. If we were to make a *pro rata* distribution, there would be three quarter-sections for each qualified voter. . . . By permitting a man to take part of what belongs to him, injustice is done to no one else. There is no agrarianism in that. Agrarianism means, as I understand it, that property which has been accumulated by the labor, the industry, by the sweat of the brow, of you, or me, or any one else, should be taken and divided out with those who have not used a corresponding industry. Agrarianism is the division of property among those who did not participate in, or contribute to, its accumulation. This proposition does no such thing. . . . It pulls none down, but elevates all. It takes the poor by the hand and lifts them up, taking nothing from the rich.

“Then we have the Constitution, sound morality, and an

increase of revenue all combined in this bill. There is no conflict, no incongruity, no disagreement, in its parts. We see that these great and essential principles do not move off in diverging or parallel lines, but they all travel in converging lines, concentrating in the accomplishment of a great national good, to carry out the purposes of the Constitution and the highest behest that man owes to his kind. This is the harmony presented by this great measure, consonant with the Constitution, based on the eternal principle of justice and right, and sustained by another great principle of charity and religion. Thus we have the three great principles on which this measure is based bound together by the silken cords of charity and religion.

“Pass this bill and you inspire the people of your country with faith in their Government, and at the same time you inspire their bosoms with the hope of doing better hereafter. . . . I confess that my sympathies are strong for the laboring and toiling thousands of our country. I know something about the privations and hardships that an individual has to undergo in this or any other country where gaunt poverty is staring him in the face. I know how to appreciate his sufferings, and consequently my sympathies are strong for those who have to toil. I admit it. Gentlemen may call it prejudice, or mistaken sympathy; but so long as I have a tongue to speak, or a vote to give, regardless of the menaces, threats, or intimidations of men here or elsewhere, I intend to stand up and vindicate the rights and interests of the laboring men; for without them we are nothing.

“As to the objection that the passage of this bill will take away the population from the old States, where is the man who has a heart that beats for love to his kind, and patriotism for his country, that could say to the poor laboring man of the old States, Do not go away; stay here in your poverty; do not go and settle on the new and fertile lands of the West, but remain where you are; linger, wither, and die in want, where the only inheritance you can leave to your children is your poverty. I care not where a man lives, whether in my district or another district, whether in my State or another, if he can do better elsewhere, I say go, better your condition, make yourself a

better citizen, and promote the welfare of your kind. I care not where he goes, so he confines himself to the great area of freedom, where he can look up to, and receive protection from, your brilliant stars and broad stripes. Wherever he places himself he is still my brother, and still an American citizen."

He had repeatedly spoken on this subject before, and subsequently watched earnestly every opportunity to bring it to a successful issue. But his most noteworthy effort was made in favor of the measure in May, 1858. This was one of Mr. Johnson's most able speeches, and one of the most simple, unpretentious, and satisfactory presentations ever made of a case about which there never should have been any diversity of opinion. The speech brings in several collateral and extraneous matters, and as a whole shows him in an admirable light. The following are its closing sentiments:—

"So far as I am concerned—I say it not in any spirit of boasting or egotism—if this bill were passed, and the system it inaugurates carried out, of granting a reasonable quantity of land for a man's family, and looking far into the future I could see resulting from it a stable, an industrious, a hardy, a Christian, a philanthropic community, I should feel that the great object of my little mission was fulfilled. All that I desire is the honor and the credit of being one of the American Congress to consummate and to carry out this great scheme that is to elevate our race and to make our institutions more permanent. I want no reputation, as some have insinuated. You may talk about Jacobinism, Red Republicanism, and so on. I pass by such insinuations as the idle wind which I regard not.

"I know the motives that prompt me to action. I can go back to that period in my own history when I could not say that I had a home. This being so, when I cast my eyes from

one extreme of the United States to the other, and behold the great number that are homeless, I feel for them. I believe this bill would put them in possession of homes; and I want to see them realizing that sweet conception when each man can proclaim: 'I have a home, an abiding-place for my wife and for my children; I am not the tenant of another; I am my own ruler; and I will move according to my own will, and not at the dictation of another.' Yes, Mr. President, if I should never be heard of again on the surface of God's habitable globe, the proud satisfaction of having contributed my little aid to the consummation of this great measure is all the reward I desire.

"The people need friends. They have a great deal to bear. They make all; they do all; but how little they participate in the legislation of the country! All, or nearly all, of our legislation is for corporations, for monopolies, for classes, and individuals; but the great mass, who produce while we consume, are little cared for; their rights and interests are neglected and overlooked. Let us, as patriots, as statesmen, let us as Christians, consummate this great measure, which will exert an influence throughout the civilized world in fulfilling our destiny. I thank the Senate for their attention."

This Homestead Bill, like every thing else in Congress at that period, assumed a sectional aspect, or was claimed as having a bearing upon the slavery issue, the question overshadowing all others. On two points was it especially repugnant to many Southerners. By them it was argued that the measure would draw from the South many of her able-bodied men, who would seek homes in the new Territories, men who had no homes where they were. The great landholders were not favorable to a distribution of the land. That every man should hold in his own right enough of the earth to render him comparatively independent, never has been any

part of the philosophy of these men, and especially those who inherited what they held themselves. Land monopoly with them was an evil passion, nor has it yet died out.

However specious or contemptible the grounds, a strong opposition was made to the bill. Year after year Mr. Johnson and its other friends urged it forward, and after it had long been successful in the Lower House, it was at last brought to a final decision in the Senate in May, 1860. But the bill as passed in the Senate was amended in the other branch. The disagreement was finally adjusted by committees of the two Houses, and the measure went to the President for his approval in June, 1860. Mr. Buchanan had more than intimated in his inaugural that he would favor a measure of this kind; but circumstances had changed, and men who were hardly willing to face popular indignation by voting against the bill finally, knew that the President would do for them what they could not do for themselves. He was only the scapegoat of the Administration. And in the face of more than a two-thirds majority in both Houses, Mr. Buchanan vetoed the measure. An attempt to pass the bill over the President's veto was not successful, although Mr. Johnson and others among its advocates did not abandon the cause in which they had so long and faithfully worked.

Mr. Johnson strongly opposed the effort to increase the regular army in 1858, but sustained the demand for a volunteer force to serve temporarily

against the Mormons. The volunteer militia were the hope of the Republic! This had been the creed of most distinguished Americans, irrespective of their devotion to "the people." It is a general fact that most unlearned, imperfectly educated, so-called self-made men, brought to notoriety by the possession of strong traits, have been great tyrants. No equalizing political creed has ever had much influence upon them. In the one thing which could modify the excesses of their natures they have usually been deficient. Andrew Johnson was no exception. See the following extract from one of his speeches made during the effort of the Tennessee Legislature to instruct John Bell out of Congress; and partially in reply to the very unnecessary and aggravating remark from Mr. Bell that he did not consider Johnson a competitor of his in any respect:—

"I have had competitors again and again, and many of them not inferior in ability and reputation even to the honorable Senator's conception of himself. I will not refer to the issues that took place between these competitors and myself. I leave that for the history of the country to tell. I have had competitors that were worthy of my steel, and they have met their fate like honorable men, and recognized me as such. A gentleman and well-bred man will respect me; all others I will make do it.

'Upon what meat doth this our Caesar feed,
That he is grown so great?'

"Is he beyond the reach of popular sentiment? In rather a taunting and sneering manner he says he is not my competitor in any sense. If you never have been my competitor, your equals have; and in the conclusion of their contest they have adjusted their robes and prepared themselves for their

fate, and I repeat again, fell like honorable men. I stand here to-day not as the competitor of any Senator! I know my rights, and I intend to learn the proprieties of the Senate; and in compliance with those proprieties, my rights and the right of the State I have the honor in part to represent, shall be maintained (to use terms very familiar with us) at all hazards and to the last extremity. . . . I must say, in conclusion of these desultory remarks, that I have been forced before the Senate more and oftener than I intended to have been under any reasonable circumstances, for the first twelve months or two years of my service here. My intention was to come here and pass through that probation which older and more experienced men and Senators more talented than myself should assign and prescribe for me. I have, however, been forced thus often before the Senate. It has been contrary to my inclination; but I believe that duty to myself, duty to my State, duty to principle, required me to do so; and acting under this impression, I have ventured to trespass on the patience and time of the Senate. I have come here to vote and act, and shall try to do so. I thank the Senate for the attention they have paid me."

Will make them respect me! Will beat them, break them into it! That has always been the ready method of tyrannical minds. And yet this was a democratic leveler, and no man would have taken more pride in winning from Henry Clay the distinction of "Great Commoner" than Mr. Johnson.

One of Mr. Johnson's main Congressional themes was retrenchment, economy in the administration of the Government. In this he was consistent and conscientious. He stood for "the people," and in this, as in most other matters, their wants and his own were identical. He carried his views on retrenchment into resistance to tariffs and internal improvements, as well as to the extravagance in the necessary channels

of expenditure in the affairs of the Government. In the short session of Congress in the winter of 1858, he introduced a resolution for the purpose, and made a strong effort to have the whole dangerous subject of retrenchment fully investigated, but without success. He here found that the supporters of Mr. Buchanan had no real intention of carrying out the suggestions of the annual message on this point, and doubted that the President had made them in good faith. The general direction of Mr. Johnson's views, his party tendencies, or the naturally independent, and even reckless, bearing of his conduct and character, may, to some extent, be seen in the following extracts from several of his speeches in the Senate at this time :—

“Let us go into the unnecessary and extraordinary expenditures of this Government, and reduce them down to what is reasonable and right. Is there no place at which we can begin this work? When we talk about retrenching on this bill, it is said: ‘This is not the place, this is not the bill.’ Then, if war happens to exist, and we talk about retrenching the expenditures, the answer is: ‘O, you can not do it now; the public mind is occupied about something else; the country is engaged in carrying on the war.’ When will the time come? When are the foul, reeking corruptions of the Government to be arrested? What do these corruptions grow out of? They grow out of the unnecessary and improper expenditures of the Government.

“I know it is against the taste, the refined and peculiar notions of some men who get into high places, to talk about curtailing or reducing the expenditures of the Government. With them it is all cant; it is all ‘for buncombe;’ that it amounts to nothing. Some may talk about it in that light, and some may act on that principle, if it is a principle; but I intend to act in good faith, if I know myself. It may be said

of me that I am a pence-calculating politician, and consequently not to be regarded as a statesman expanded in his views and liberal in his feelings. Edmund Burke, the distinguished British statesman, said: 'The revenue of the State is the State in effect; all depends upon it, whether for support or reformation.' Mr. Burke was one of your pence-calculating politicians. He was one of those demagogues who talk about the interests and the rights of the people. Lord Bacon has said: 'Above all things, good policy is to be used, that the treasure and moneys in a State be not gathered into a few hands; money is like muck, of no good, unless it is spread.' The meaning of which is, that the industrious and producing classes should be entitled to spend their money in their own way, and that the appropriations by the government should be in such way as will best promote their interests, prosperity, and happiness. But we have reversed the proposition. We go on gathering muck from, instead of for, the barn-yards of the nation; we go on gathering revenue from the industry of the whole people, and we collect it here and squander it in appropriations wholly unnecessary, as I believe, so far as the interests and happiness of the people are concerned.

"Go to the governments that have risen and fallen before us, and what has been the cause of their decline and downfall? It is the influence of armies and navies, standing armies and navies, sustained by money drawn from the people; these are the two great arteries through which the nations that have gone before us have been bled to death. They are the two arteries through which the people of this country are now bleeding most freely. Shall we not profit by the experience of the past; shall we not stop and consider?

"Our Federal and State Constitutions were made by our fathers, who had studied the oppressions of the Old World; who had witnessed the encroachments and dangers of standing armies in those governments. Hence we find in all our bills of rights—if not in all, certainly in most of them—that standing armies are dangerous and should not be allowed; and we see that the Constitution of the United States relies upon, and provides for, calling forth the militia to suppress rebellion or insurrection against the Government. This contemplates, most

clearly, that the great military power of this Government is to reside in its citizen soldiery. I am for confiding in, and relying upon, the volunteers of the country, who *go* when war comes, and who *come* when war goes; who are not willing to enter the army for a livelihood, and thus rely upon the army for a support.

“What is the material of which standing armies are composed in European countries? There you find a broken-down and brainless-headed aristocracy, members of decaying families, that have no energy by which they can elevate themselves, relying on ancestral honors and their connection with the government. On the other hand, you find a rabble, in the proper acceptation of the term, a miserable lazzaroni, lingering and wallowing about their cities, who have no employment. They are ready, at any time, to enter the army for a few shillings to buy their grog and slight clothing to hide their nudity. Such is the material of which their armies are composed; the rabble composing the rank and file, on the one hand, and a broken-down and decaying aristocracy composing the officers, on the other. Where does the middle man stand? What is the position of the industrious bee that makes the honey, from whose labor all is drawn? He is placed between the upper and the nether millstone, and is ground to death by the office-hunter above him and the miserable rabble soldiery below him. We want nothing like this, here in our country. Let us carry out those great principles of government and philanthropy which are calculated to elevate the masses, and dispense with all useless offices.

“A standing army is an incubus, a fungus, on the body politic. When you call for volunteers, the lowest man in the company does not start out with the feelings or subdued spirit of a common soldier; but each man that goes, goes as a hero. He goes with the expectation of distinguishing himself, even as a private, before he returns to his home. . . . Those men who enter the service as volunteers, are cheered on to the discharge of their duty by knowing that they have mothers and sisters and fathers and brothers to care about them. And then, again, they have somebody to care for, too. They have, moreover, their country, that they love and are willing to defend,

and in whose cause they are willing to perish. We do not want your 'cheap' men, who have none to care for or shed a tear over them when they fall. I do not wish to see a standing army composed of a rabble who have no country, no friends, no relatives, but who are mere machines to obey the orders of their commanders, *whatever* they may be!"

"It is somewhat difficult to determine what character of improvement is clearly within the Constitution, or, in other words, to determine what particular character of improvement is national, and what is local. I know the distinction is hard to draw in many instances, for local works approach national works so closely that the line of division is scarcely within reach of the human intellect; but there are some things that are certain. We can not tell exactly when the light of day terminates and the shades of night begin; but we can tell when it is midday, when the sun is at meridian, and when midnight darkness is upon us. So we can determine the character of some of the works of internal improvement, we can tell when they are glaringly unconstitutional. I have been taught, and it is my settled conviction, that in all questions of doubt as to the Constitutional power of Congress, in reference to internal improvements, Congress should desist from the exercise of a doubtful power; and, before its exercise, should look to the source of all our power, in order to specially define the extent of the authority to be exercised by the legislative body. I also believe in the fundamental principle laid down by Mr. Jefferson: That in all doubtful questions we should pursue principle, and that in the pursuit of a correct principle you can not reach a wrong conclusion. What is the principle involved in this proposition? We assume, putting it on the best ground on which it can be placed, that it is of doubtful power, at least. Then, falling back on the rule laid down by Mr. Jefferson, what is the principle? It is to call upon the source of all power before you exercise a doubtful authority.

"The President, in his message, disclaims the power as existing in the Constitution, unless it is derived from the war power. This is an honest difference of opinion. I do not believe it can be derived from that power. There are others who

claim the power as arising from the power in the Constitution to regulate commerce. I do not think that provision in the Constitution which provides for the regulation of commerce confers power on Congress to make or create commerce. Some derive the power from that provision of the Constitution which authorizes Congress to establish post-offices and post-roads. I do not believe the language employed in the Constitution to be so meant. The debates in the convention do not show that Congress was to make and construct roads through the country. The Constitution means, I think, simply and plainly, that where there are lines of communication Congress may establish them as the Government channels through which communications of this kind may go, but not to construct roads."

"But the gentleman, by way of being a little facetious, speaking of my reference to a change in the Constitution, alluded to the number of candidates that might be before the country in reference, as I understood him, to a distinguished office.

"*Mr. Jefferson Davis.*—I was answering you, sir; the office you spoke of.

"*Mr. Johnson*, of Tennessee.—I think the people of the different States are as competent to judge of their own citizens, and their qualifications and various merits, and their worth, as a national convention; and the chances are that they would be equally as pure and as good men as would be brought forward by a national convention or a Congressional caucus. At this point, and I know I do it in a spirit of kindness, I assure the Senator I am willing to widen the field, so that if he has any aspirations in that way he may have a chance; I have none.

"*Mr. Davis.*—I have disclaimed in your favor already.

"*Mr. Johnson*, of Tennessee.—I increase your chance, particularly as I live in the South. But the idea seems to be, that you can not come forward and discuss any great measure that has a tendency to popularize our free institutions, but you must be associated with the Presidency. That seems to have been the *summum bonum* of everything in this country. It is the climax of comparison and of aspiration; and whenever you make a move that has a tendency to popularize our free insti-

tutions, or carry the Government nearer to the people, it is said: 'O! you are a candidate for the Presidency.'

"*Mr. Davis.*—I ask the Senator now, as he is replying to me, whether he did not bring in that himself, and whether my remarks were not in reply to him on that point?

"*Mr. Johnson*, of Tennessee.—Bring in what?

"*Mr. Davis.*—The whole subject of the mode of nominating a candidate for President.

"*Mr. Johnson*, of Tennessee.—Most assuredly I did; but I made no particular allusion to any set of individuals being candidates; the Senator did. That is the difference between us. I introduced the subject, and he alluded to the chances of particular individuals. That is all the difference. He brings cases up; I have a right to comment on those cases, in making a reply; and as I before told the Senator, I am not in his way. We have got to making Presidents in modern times, so that nobody knows who is safe. I do assure the Senator that I prefer to discharge my duty faithfully as an honest Representative of the State or the people. Occupying that position—the Senate will pardon me for the expression, and I do not use it in a profane sense—when contrasted with being President of the United States, I say damn the Presidency! It is not worthy of the aspirations of a man who believes in doing good, and is in a position to serve his country by popularizing her free institutions.

"The Presidency! I would rather be an honest man, an honest Representative, than be President of the United States forty times! The Presidency is the absorbing idea, the great Aaron's rod that swallows up every other thing; and hence we see the best legislation for the country impaired, ruined, and biased. The idea of President-making ought to be scouted out of the Halls of Congress. Our legislation should be for the country, and let President-making alone. Let the people attend to that. Confer the great privilege, the Constitutional right, upon the people to make their own Presidents, and not have them made by national conventions or by Congress. Let the people make them themselves, and we shall have better Presidents, better administrations, more economy, more honesty, more of everything that tends to constitute an upright and correct Government."

"I think of that convention as I have thought about all conventions from my earliest advent into public life to the present time. We know how these conventions are gotten up. Experience and observation have satisfied my mind that the old Congressional caucus system was infinitely preferable to your recent national convention system. In the one case, the members of Congress, who made the nomination, felt that they had some responsibility resting upon them, and when they went to their Congressional districts they were responsible for the nominee whom they had put upon the country as a candidate for the Presidency. I do not say it from any disrespect, but I refer to it as an historical fact, that a large proportion of the persons who attend national conventions go there without representing any body.

"I most sincerely hope the time will come when the people of the United States will have the Constitutional right to elect their own President. Do they elect him now? They do not. Packed conventions are gotten up; and they, by the means to which I refer, make a nomination on one side or the other. Although our people are, in theory, a free people, and are supposed to elect their President, the fact is that, in practice, the conventions have made the choice before the people are called on to vote. After these conventions, on the one side and the other, have chosen a President, the freemen of this country are brought up to the ballot-box and taken through the ridiculous mockery of voting for electors. I have supported the nominees of conventions, and I have been in conventions, but need I stultify myself, or deceive myself? Do I not see their tendency; their alarming, corrupting, and dangerous tendency?"

"I have never considered the Union yet in danger. I do not believe all the factionists of this Government can pull it to pieces. They can not dissolve the bonds that unite us; the bonds of mutual interest and patriotism, strengthened by the associations of a common suffering in the past, and a common prosperity for the future. . . . My great apprehensions—and I think they are well founded, when I look at the tendency of our whole policy—are that everything is tending to the center; and just in proportion as you increase the amount of money

collected and disbursed by this Government, in the very same proportion you increase the centralizing power here.

"The great fault and difficulty is that we legislate too much, and one-half of our legislation is an impediment, an obstruction, thrown in the way of the laws of Nature, preventing our people from conforming their action and conduct to great fundamental laws.

"Let your Government take as little from the people as possible; permit them to enjoy their own industry; protect them in their pursuits; let the people become rich, and let your treasury remain poor. I am glad the treasury is empty. I am not sure that I shall vote to borrow a dollar. I think it is a fortunate thing for the country that it is reduced, and even drained; for the idea has got to be predominant here—I was going to say irrespective of party—that the way to get power, and to become popular, is by the expenditure of large sums of money."

"In some offices there are too many clerks; deploy them, concentrate your forces on some other point, and you can have the business of the country performed without augmenting the number of offices, that are constantly increasing and preying on the vitals of the country. I know that in this particular atmosphere it is a little dangerous to talk about office-holders. Many of them have nothing to do but to write letters to puff particular individuals, and he who dares raise his voice against this interested clique, this set of political vampires, who are fixed upon the Government, and who care nothing for the interests of the people, is, I know, treading on dangerous ground. They write letters to the newspapers in various sections of the country, and misrepresent and vilify any one who dares to expose abuses of this sort. I had almost as soon set my foot in a nest of electric eels as to come in contact with this class of pensioners upon the public treasury. Go along Pennsylvania Avenue of an evening, and whom do you find there? Why, this class of men, lounging about the hotels and places of public resort; some of them with pencil and paper in hand, collecting and noting down facts for a letter. A most enlightened set of gentlemen!"

“We have had various amendments offered here with the view of increasing the salaries and pay of everybody connected with the Government, save the man that labors and produces. The man who wears the dinge of the shop or the dust of the field upon his garments seems to be but little thought of or cared for in this House, except on occasions when the Government needs taxes. When the Government needs men to fight its battles, then it calls on this class of persons; but when money is to be voted out of the treasury, without stint or measure, then they are but little regarded. I should like to know why the men that work in your navy-yards, and forge your anchors, and build your ships—men who wield the broadax, chisel, and hammer, not only five hours in the day, but ten hours, at one dollar and fifty cents to two dollars per day—should not have twenty per cent added to their wages also. They have not the time, after working ten hours a day, like others who are not employed five, to visit this hall and besiege members of Congress with importunities to increase their pay. They have to work, almost from the rising to the going down of the sun, whilst others in the employment of the Government get much larger wages, although their expenses of living are not more than those who labor in your workshops. Go, for instance, to your armory. Who proposes to increase the pay of the men who are engaged in preparing the implements of war to defend your country in its hour of need? When provisions rise, when bread and meat advance in price, and it is almost impossible for the mechanic to support his family, do we hear these eloquent appeals in behalf of *him*, his wife, and children?”

CHAPTER V.

MR. JOHNSON AND SLAVERY AND ITS ARISTOCRACY—
BRECKINRIDGE AND LANE—IN THE SENATE—
A PATRIOT FOR THE UNION.

THE Presidential campaign of 1860 developed an anomalous feature in the career of Andrew Johnson. From his former course there were the best reasons for placing him among those who would, in every emergency, be defenders of the Union. As the signs of the times became more doubtful and dark, his position became more open and satisfactory to the friends of the Union in the North. In all measures for the defense of slavery he had stood firmly with his section, but he did not put slavery against the Union. This fact soon set Southern leaders to suspecting him, and from suspecting they readily fell to hatred and abuse. While he took slavery as it was, and felt it a necessity, or his duty, to act in harmony with the South on all matters belonging to the "institution," he had not the interest in it which was characteristic of Southern politicians. He never did believe, perhaps, that slavery would or should exist always in this country. There was little or no affinity between him and the slaveholding aristocrats. His tendency was to dislike and shun them. This they said came from the vulgarity

of his nature. But to a great extent, this was spleen on their part. His preferences when at the North were not such as they attributed to him when at home. In his private and social habits he was quite up to the average, or even best, standard of the people among whom he always lived. That slavery ever elevated the highest moral standard in society, or behind the curtains, has yet to be proven. To say that much is an exaggeration of charity, for in its most boisterous and arrogant days it never, in earnest, claimed such a thing.

Although he was a slave-owner, this fact did not materially affect his relation to the institution or its friends. The thread that bound him to slavery was peculiar and weak. The cause of this must be apparent in the course of the exposition of his character given in this work. Between the "institution" and his feelings towards the Union there was never a struggle. Between adhering to the South and adhering to the whole country there never could have been a question with him. His mind was always made up. He was a patriot in the only true and manly sense of the word. He was thoroughly tested. He was for his whole country, the Union, and the fall of slavery, or anything else, had no weight with this sentiment and principle. In him patriotism had one of its few exemplars in the South.

Besides the mere want of congeniality, or as a part of that want, between Mr. Johnson and the slaveholding aristocracy around him, he had a very decided aversion for many of the leaders, both dead

and living. He did not believe in these men at all. He considered them really wrong in their theories and deeds. This was an unpardonable offense. His independence, and indifference towards the Southern political idols, as well as his disposition to be fair in opinion and conduct towards men in other parts of the world, discounted his standing in his section. How could a man hope to escape approbrium in the Democratic party in the South with such views as the following expressed by Mr. Johnson of J. C. Calhoun:—

“Mr. Calhoun had some peculiar notions about government; and if he were now living, he and all the men in the United States could not put a government into successful and practical operation under the system he laid down. He was a logician; he could reason from premise to conclusion with unerring certainty, but he was as often wrong in taking his premises as anybody else. Admit his premises, and you were swept off by the conclusions; but look at his premises, and he was just as often wrong as any other statesman; and I think Mr. Calhoun was more of a politician than a statesman. Mr. Calhoun never possessed that class of mind that enabled him to found a great party. He founded a sect; and if he had been a religionist, he would have been a mere sectarian. He never would have gone beyond founding a sect peculiar to himself. His mind was metaphysical and logical, and he was a great man in his peculiar channel, but he might be more properly said to have founded a sect than a great national party.”

For such men as Jefferson Davis in his own day, Mr. Johnson entertained a very decided aversion, which was heartily reciprocated. In view of all

these things, his course in the Presidential contest of 1860 must, perhaps, remain somewhat inexplicable.

The Tennessee delegation, headed by Andrew Ewing, went into the Charleston Convention instructed, and unanimous in its determination to support Mr. Johnson for the Presidency, and did cast its vote mainly to that end until the thirty-seventh ballot. His name was then withdrawn for the purpose of giving some impetus to the general fund of harmony, of which the convention stood much in need. Tennessee alone cast votes for Mr. Johnson. On the day of the reassembling of the convention he sent the following letter, to direct the action of the Tennessee delegation :—

“WASHINGTON, CITY, June 18, 1860.

“GENERAL SAMUEL MILLIGAN :—

“DEAR SIR,—Whilst deeply thankful to you and your associate delegates in the National Convention for your support of my name as a candidate for the Presidency, indorsing and reflecting therein the honor done me by the State Convention of the Democracy of Tennessee, an honor and distinction given my name by the people whom I have served, and whose confidence is worthy of the best efforts and highest ambition of any man, yet in this hour of peril to the harmony and integrity of the Democratic party—in this hour of serious apprehension for the future welfare and perpetuity of our Government—I can not and will not suffer my name to add to the difficulties and embarrassment of my friends. I feel that it is incumbent upon you, upon me, that every thing that can honorably and consistently be done should be done by us to secure unity and harmony of action, to the end that correct principles may be maintained, the preservation of the only national organization remaining continued, and, above all,

that the Union, with the blessings, guarantees, and protection of its Constitution, perpetuated forever.

"That the Tennessee delegation may so act, and that in no contingency they may find themselves embarrassed by the action of our State in regard to myself, I desire, through you, to request that they will not present my name to the convention at Baltimore, and to each of them tender my regards.

"I have the honor to be, etc.,

"ANDREW JOHNSON."

When, at last, the nominations were made, he surprised everybody by going to the support of Breckinridge and Lane. He had warmly favored the Kansas-Nebraska Act, and was strong in the faith of the so-called principle of non-intervention, on which Mr. Douglas made his brilliant fight for the Presidency. More than this, he had no respect for Breckinridge's theory that the Territories should not legislate against slavery, or declare against it in their proposed State constitutions, and that the General Government should protect it in the Territories. In addition to this, he was entirely destitute of respect for Lane, either as a man or a politician. At any rate he was when he came to find him out. He "stumped" a great part of Tennessee for Breckinridge and Lane, and undertook to maintain that they were the true Union candidates. According to his own oft-announced principles, Douglas should have received his support; but in the face of all these things, he merely took the man who had the largest following in the South, and especially among the disunionists. For this inconsiderate and apparently

unmanly and cowardly course, George W. Jones, in his address over the grave of Mr. Johnson, June 5, 1878, gives this brief explanation: "His motive at this time may be assumed to have been the hope that in an alliance with that section of his party from which he apprehended extreme action, he could exert a more potent influence to restrain it." This kind of philosophizing was familiar to Mr. Jones. For a similar reason, it was maintained, he himself went with the South, and was willing to represent a part of his State in what was quite consequentially called the "Confederate Congress."

In a speech in the Senate, March 2, 1861, Mr. Johnson expressed himself thus of Joseph Lane, of Oregon, whom he had supported for the Vice-Presidency:—

"The Senator has alluded to the action of my State; he has commented upon my devotion to the people; he has been reviewing my political history; he has even commented upon the nature and character of my mind; and he has failed to discover anything extraordinary in it. As to the character of my mind, as I have before remarked, that is a subject which I have never obtruded upon any one. I have never made any pretensions to anything extraordinary, as regards intellect or extensive information; but, were the reverse of this all true, and had I the wisdom of Solomon, and a mind as strong, as clear, and as penetrating as the rays of the noonday sun, when there is not a speck or a dot to obscure his disk, I should then even despair of breaking through the triple case of bigotry, superciliousness, and self-conceit that surrounds the mind of the Senator from Oregon. Mind, did I say? I recall that term; I will not dignify it with the

appellation of mind. No, it is the most miserable, and the poorest caricature of a mind, that can not even tell when it is upside up or upside down."

If Mr. Johnson's exertions in behalf of a complete homestead-law, and his generally liberal tone in Congress had been viewed with suspicion by many of his Southern pro-slavery contemporaries, they were only carrying out their well-founded preconceived notions. As has been said, all through his life he had been too dangerously radical to come strictly in line with the Southern view of safe politics. While a member of the State Legislature, he had audaciously proposed that, in dividing the State into Congressional Districts, the voting population should only be taken into account, to the exclusion of the sacred "three-fifths" of the negroes. He was opposed to conservatism and compromise in politics and everything else. And this was no little cause of weakness to him among his own people. The South was always conservative, but never Democratic. Of compromise and conservatism he said:—

"You get up a great agitation and settle it by a compromise; and then you keep up an agitation as to what the compromise means, or what is the extent of its obligation. In 1850 several measures were passed as compromise measures. They produced a great agitation; a dissolution of the Union was threatened; and in 1851 some great pacificators came forward—men who were willing to be sacrificed on the altar of their country on another compromise. That compromise has since been a continual and increasing source of agitation. . . .

"Whenever there is a difficulty between vice and

virtue, vice can get up an agitation, an issue with virtue, and, of course, vice is always ready to compromise; but when virtue compromises with vice, vice obtains the ascendancy. Whenever there is a contest between truth and falsehood, and it is settled by a compromise, truth gives way and falsehood triumphs. Is it not time to stop compromising? I think we have compromises enough, and I will say here in my place to-day, that I believe the agitation which has taken place, first in getting up compromises, and then upon the compromises after they are made, has done more to make the institution of slavery permanent than all the other action of the Federal Government. . . .

“Let us agree, North and South, to abide by the Constitution of the country, and have no more compromises. We have been compromised and conservatized until there is hardly any Constitution left. We first compromise and settle a question wrong, and then we must all turn conservatives and stand by the wrong that has been accomplished by the compromise. Compromise! I almost wish the term was stricken out of the English language. Conservatism! It is the argument of despots and tyrants, one that entails an existing institution in its present form, whether it be right or wrong.”

These years of Mr. Johnson's service in the United States Senate form the most admirable period in his career, one about which there can be little division of sentiment among patriots at home, and the eulogists of patriotism the world over. In the attempt to elect their man he had gone with the extreme men of his section, knowing that if they were successful talk of secession would end; and well decided in his own mind that if they were fairly beaten there would be no more just ground for not

quietly abiding by the decision, than there would in case of their own success. He had the same reasons of other Southern men, so far as the main conditions of self-interest were concerned, "to cast his lot with his section." He did not, it is true, consider himself a part of its aristocracy, but that fact furnished no grounds for political action. While he was identified with slavery, other questions rose above it. A confederacy with slavery as its corner-stone he did not believe possible, and if it were, it would not be equivalent to the Union without slavery. His friends, "the people," and his other friends, watched with anxiety to see his final stand. But he never had given forth a doubtful utterance. When supporting a candidate whose suicidal views of State Rights and secession he deplored and rejected, he believed he was working for the Union. And when these political associates came out in their true colors, he kept on in his unbroken course for the Union. He could have had but one motive for the course he took, and that was to be found in his patriotism. He had reached his goal. He had no dreams of the Presidency, and never could have desired the North to take him up for deserting his own section. He was really a Southern man, controlled by national principles. When he took his final stand he was, to all appearances, sacrificing himself on the altar of his country. Where he had before been honored, he could now get only abuse. When he returned to his home in the spring of 1861, mobs of "the people" pulled his ears and tweaked his long nose, and

here and there he was burned in effigy. And he soon found it a necessity to abandon a country where madness and folly carried the day.

East Tennessee had declared against secession, and holding that the State was not out of the Union, he maintained his seat uninterruptedly in Congress, and ranged himself on the side of the friends of the Union in all great measures looking toward its preservation. His speeches, made at this time, rose to the highest degree of ability and patriotism, and acquired an additional interest and value from his peculiar situation. In the extracts already given, much of the nature of his mind and feelings, as well as his undoubted political tendencies and views, may be seen. On the 18th and 19th of December, 1860, in support of his own joint resolution proposing certain amendments to the Constitution, he made in the Senate his first famous speech against secession and its kindred heresies.

In this long and carefully prepared speech he quotes the well-known Constitutional authorities, and goes over the grounds usually pursued in arguing against secession, and maintains that the South has only one manly and right course in pursuit of what she claimed as rightfully due her, or what she stood up for which would be rightfully abandoned, and that was to remain in the Union and fight with the weapons she had before used. Perhaps the most remarkable of Mr. Johnson's speeches delivered at this time, and which presents him most fully in the attitude of an able and patriotic politician, is

the following, which it is deemed advisable to reproduce here :—

SPEECH ON THE WAR FOR THE UNION.

DELIVERED IN THE SENATE OF THE UNITED STATES, JULY 27, 1861.

The Senate having under consideration the joint resolution to approve and confirm certain acts of the President of the United States for suppressing insurrection and rebellion, Mr. Johnson said :—

MR. PRESIDENT,—When I came from my home to the seat of Government, in compliance with the proclamation of the President of the United States calling us together in extra session, it was not my intention to engage in any of the discussions that might transpire in this body ; but since the session began, in consequence of the course that things have taken, I feel unwilling to allow the Senate to adjourn without saying a few words in response to many things that have been submitted to the Senate since its session commenced. What little I shall say to-day will be without much method or order. I shall present the suggestions that occur to my mind, and shall endeavor to speak of the condition of the country as it is.

On returning here we find ourselves, as we were when we adjourned last spring, in the midst of a civil war. That war is now progressing, without much hope or prospect of a speedy termination. It seems to me, Mr. President, that our Government has reached one of three periods through which all governments must pass. A nation, or a people, have first to pass through a fiery ordeal in obtaining their independence or separation from the government to which they were attached. We passed through such an one in the Revolution ; we were seven years in effecting the separation, and in taking our position amongst the nations of the earth as a separate and distinct power. Then, after having succeeded in establishing its independence, and taken its position among the nations of the earth, a nation must show its ability to maintain that position, that separate and distinct independence against other powers, against foreign foes. In 1812, in the history of our Government, this ordeal commenced, and terminated in 1815.

There is still another trial through which a nation must

pass. It has to contend against internal foes; against enemies at home; against those who have no confidence in its integrity or in the institutions that may be established under its organic law. We are in the midst of this third ordeal, and the problem now being solved before the nations of the earth, and before the people of the United States, is, whether we can succeed in maintaining ourselves against the internal foes of the Government; whether we can succeed in putting down traitors and treason, and in establishing the great fact that we have a Government with sufficient strength to maintain its existence against whatever combination may be presented in opposition to it. This brings me to a proposition laid down by the Executive in his recent message to the Congress of the United States. In that message the President said:

“This is essentially a people’s contest. On the side of the Union it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend.”

I think the question is fairly and properly stated by the President, that it is a struggle whether the people shall rule; whether the people shall have a government based upon their intelligence, upon their integrity, upon their purity of character, sufficient to govern themselves. I think this is the true issue; and the time has now arrived when the energies of the Nation must be put forth, when there must be union and concert among all who agree in man’s capability of self-government, in order to demonstrate that great proposition without regard to former party divisions or prejudices.

Since this discussion commenced, it has been urged in argument, by Senators on one side, that there was a disposition to change the nature and character of the Government; and that, if we proceeded as we were going, it would result in establishing a dictatorship. It has been said that the whole framework, nature, genius, and character of the Government would be

entirely changed; and great apprehensions have been expressed that it would result in a consolidation of the Government, or a dictatorship. We find, in the speech delivered by the distinguished Senator from Kentucky (Mr. Breckinridge), the other day, the following paragraph, alluding to what will be the effect of the passage of this joint resolution approving the action of the President:

“Here in Washington, in Kentucky, in Missouri, everywhere where the authority of the President extends, in his discretion he will feel himself warranted by the action of Congress upon this resolution to subordinate the civil to the military power; to imprison citizens without warrant of law; to suspend the writ of *habeas corpus*; to establish martial law; to make seizures and searches without warrant; to suppress the press; to do all those acts which rest in the will and in the authority of a military commander. In my judgment, sir, if we pass it, we are upon the eve of putting, so far as we can, in the hands of the President of the United States the power of a dictator.”

Then, in reply to the Senator from Oregon (Mr. Baker), he seems to have great apprehension of a radical change in our form of Government. The Senator goes on to say:

“The pregnant question, Mr. President, for us to decide is, whether the Constitution is to be respected in this struggle; whether we are to be called upon to follow the flag over the ruins of the Constitution? Without questioning the motives of any, I believe that the whole tendency of the present proceedings is to establish a Government without limitation of powers, and to change radically our frame and character of Government.”

Sir, I most fully concur with the Senator, that there is a great effort being made to change the nature and character of our Government. I think that effort is being demonstrated and manifested most clearly every day; but we differ as to the parties who are making this great effort.

The Senator alludes in his speech to a conversation he had with some very intelligent gentleman who formerly represented our country abroad. It appears from that conversation that foreigners were accustomed to say to Americans, “I thought

your Government existed by consent; now how is it to exist?" and the reply was: "We intend to change it; we intend to adapt it to our condition; these old colonial geographical divisions and States will ultimately be rubbed out, and we shall have a Government strong and powerful enough." The Senator seemed to have great apprehensions based on those conversations.

He read a paragraph from a paper, indicating that State lines were to be rubbed out. In addition to all this he goes on to state that the writ of *habeas corpus* has been violated; and he says that since the Government commenced there has not been a case equal to the one which has recently transpired in Maryland. I shall take up some of his points in their order, and speak of them as I think they deserve to be spoken of. The Senator says:

"The civil authorities of the country are paralyzed, and a practical martial law is being established all over the land. The like never happened in this country before, and would not be tolerated in any country in Europe which pretends to the elements of civilization and regulated liberty. George Washington carried the thirteen colonies through the War of the Revolution without martial law. The President of the United States can not conduct the Government three months without resorting to it."

The Senator puts great stress on the point, and speaks of it in very emphatic language, that General Washington carried the country through the seven years of the Revolution without resorting to martial law during all that period of time. Now, how does the matter stand? When we come to examine the history of the country, it would seem that the Senator had not hunted up all the cases. We can find some, and one in particular, not very different from the case which has recently occurred, and to which he alluded. In 1777, the second year of the War of the Revolution, numbers of the Society of Friends in Philadelphia were arrested on suspicion of being disaffected to the cause of American freedom. A publication now before me says:

"The persons arrested, to the number of twenty, . . . were taken into custody, by military force, at their homes, or

usual places of business. Many of them could not obtain any knowledge of the cause of their arrest, or of any one to whom they were amenable; and they could only hope to avail themselves of the intervention of some civil authority.

“The Executive Council (of the State of Pennsylvania), being formed of residents of the city and county of Philadelphia, had a better knowledge of the Society of Friends and of their individual characters than the members of Congress assembled from the various parts of the country, and ought to have protected them. But instead of this, they caused these arrests of their fellow-citizens to be made with unrelenting severity, and from the 1st to the 4th day of September, 1777, the party was taken into confinement in the Mason’s Lodge in Philadelphia.

“On the Minutes of Congress of 3d September, 1777, it appears that a letter was received by them from George Bryan, Vice-President of the Supreme Executive Council, dated 2d September, stating that arrests had been made of persons inimical to the American States, and desiring the advice of Congress particularly whether Augusta and Winchester, in Virginia, would not be proper places at which to secure prisoners. . . .

“Congress must have been aware that it was becoming a case of very unjust suffering, for they passed their resolutions of 6th September, 1777, as follows:

“‘That it be recommended to the Supreme Executive Council of the State of Pennsylvania to hear what the said remonstrants can allege to remove the suspicions of their being disaffected or dangerous to the United States.’

“But the Supreme Executive Council, on the same day, referring to the above,

“‘*Resolved*, That the President do write to Congress to let them know that the Council has not time to attend to that business in the present alarming crisis; and that they were, agreeably to the recommendation of Congress, at the moment the resolve was brought into Council, disposing of everything for the departure of the prisoners.’

“As the recommendation of Congress of the 6th of September, to give the prisoners a hearing, was refused by the

Supreme Executive Council, the next minute made by Congress was as follows:

“In Congress, 8th September, 1777.

“Resolved, That it would be improper for Congress to enter into a hearing of the remonstrants or other prisoners in the Mason's Lodge, they being inhabitants of Pennsylvania; and therefore, as the Council declines giving them a hearing for the reasons assigned in their letter to Congress, that it be recommended to said Council to order the immediate departure of such of the said prisoners as yet refuse to swear or affirm allegiance to the State of Pennsylvania, to Staunton, in Virginia.’

“The remonstrances made to Congress and to the Supreme Executive Council being unavailing, the parties arrested were ordered to depart for Virginia, on the 11th September, 1777, when, as their last resource, they applied, under the laws of Pennsylvania, to be brought before the judicial court by writs of *habeas corpus*.

“The departure of the prisoners was committed to the care of Colonel Jacob Morgan, of Bucks County, and they were guarded by six of the light-horse, commanded by Alexander Nesbitt and Samuel Caldwell, who were to obey the dispatches from the Board of War, of which General Horatio Gates was president, directed to the lieutenants of the counties through which the prisoners were to pass.

“The writs of *habeas corpus*, on being presented to the Chief Justice, were marked by him, ‘Allowed by Thomas McKean,’ and they were served on the officers who had the prisoners in custody, when they had been taken on their journey as far as Reading, Pennsylvania, on the 14th day of September, but the officers refused to obey them.

“It appears by the journal of the Supreme Executive Council of the 16th of September, that Alexander Nesbitt, one of the officers, had previously obtained information about the writs, and made a report of them; when the Pennsylvania Legislature, at the instance of the Supreme Executive Council passed a law on the 16th of September, 1777, to suspend the *habeas corpus* act; and although it was an *ex post facto* law, as it related to their case, the Supreme Executive Council on that day ordered the same to be carried into effect.”

Continuing the history of this case, we find that—

“The party consisted of twenty persons, of whom seventeen were members of the Society of Friends. They were ordered first to Staunton, then a frontier town in the western settlement of Virginia, but afterwards to be detained at Winchester, where they were kept in partial confinement nearly eight months, without provision being made for their support; for the only reference to this was by a resolution of the Supreme Executive Council of Pennsylvania, dated April 8, 1778, as follows:

“‘Ordered, That the whole expenses of arresting and confining the prisoners sent to Virginia, the expenses of their journey, and all other incidental charges, be paid by the said prisoners.’

“During the stay of the exiles at Winchester, nearly all of them suffered greatly from circumstances unavoidable in their situations; from anxiety, separation from their families left unprotected in Philadelphia, then a besieged city, liable at any time to be starved out or taken by assault; while from sickness and exposure during the winter season, in accommodations entirely unsuitable for them, two of their number departed this life in the month of March, 1778.”

Thus, Mr. President, we find that the writ of *habeas corpus* was suspended by the authorities of Pennsylvania, during the Revolution, in the case of persons who were considered dangerous and inimical to the country. A writ was taken out and served upon the officers, and they refused to surrender the prisoners, or even to give them a hearing. If the Senator from Kentucky had desired an extreme case and wished to make a display of his legal and historical information, it would have been very easy for him to have cited this case—much more aggravated, much more extravagant, much more striking than the one in regard to which he was speaking. Let it be remembered, also, that this case, although it seems to be an extravagant and striking one, occurred during the War of the Revolution, under General Washington, before we had a President. We find that at that time the writ of *habeas corpus* was suspended, and twenty individuals were denied even the privilege of a hearing, because they were considered inimical and dangerous to the liberties of the country. In the midst of the

Revolution, when the writ of *habeas corpus* was as well understood as it is now, when they were familiar with its operation in Great Britain, when they knew and understood all the rights and privileges it granted to the citizen, we find that the Legislature of Pennsylvania passed a law suspending the writ of *habeas corpus*, and went back and relieved the officers who refused to obey the writs, and indemnified them from the operation of any wrong they might have done. If the Senator wanted a strong and striking case, one that would bear comment, why did he not go back to this case, that occurred in the Revolution, during the very period referred to by him? But no; all these cases seem to have been forgotten, and the mind was fixed upon one of recent occurrence. There is a great similarity in them; but the one to which I have alluded is a much stronger case than that referred to by the Senator. It was in Philadelphia, where Congress was sitting; it was in Pennsylvania, where these persons, who were considered inimical to the freedom of the country, were found. Congress was appealed to, but Congress executed the order; and the Legislature of Pennsylvania afterwards passed a law indemnifying the persons who in execution of the order violated the right to the writ of *habeas corpus*. What is our case now? We are not struggling for the establishment of our nationality, but we are now struggling for the existence of the Government. Suppose the writ of *habeas corpus* has been suspended: the question arises whether it was not a justifiable suspension at the time, and ought we not now to indorse what we would ourselves have done if we had been here at the time the power was exercised?

The impression is sought to be made on the public mind that this is the first and only case where the power has been exercised. I have shown that there is one tenfold more striking, that occurred during our struggle for independence. Is this the first time that persons in the United States have been placed under martial law? In 1815, when New Orleans was about to be sacked, when a foreign foe was upon the soil of Louisiana, New Orleans was put under martial law, and Judge Hall was made a prisoner because he attempted to interpose. Is there a man here, or in the country, who condemns General Jackson for the exercise of the power of proclaiming martial law in

1815? Could that city have been saved without placing it under martial law, and making Judge Hall submit to it? I know that General Jackson submitted to be arrested, tried, and fined one thousand dollars; but what did Congress do in that case? It did just as we are called on to do in this case. By the restoration of his fine—an act passed by an overwhelming majority in the two Houses of Congress—the Nation said: “We approve what you did.” Suppose, Mr. President (and it may have been the case), that the existence of the Government depended upon the protection and successful defense of New Orleans; and suppose, too, it was in violation of the strict letter of the Constitution for General Jackson to place New Orleans under martial law, but without placing it under martial law the Government would have been overthrown: is there any reasonable, any intelligent man in or out of Congress who would not indorse and approve the exercise of a power which was indispensable to the existence and maintenance of the Government? The Constitution was likely to be overthrown, the law was about to be violated, and the Government trampled under foot; and whenever it becomes necessary to prevent this, even by exercising a power that comes in conflict with the Constitution in time of peace, it surely ought to be exercised. If General Jackson had lost the city of New Orleans, and the Government had been overthrown through a refusal on his part to place Judge Hall and the city of New Orleans under martial law, he ought to have lost his head. But he acted as a soldier; he acted as a patriot; he acted as a statesman, as one devoted to the institutions and the preservation and the existence of his Government; and the grateful homage of a nation was his reward.

Then, sir, the power which has been exercised in this instance is no new thing. In great emergencies, when the life of a nation is in peril, when its very existence is endangered, to question too nicely, to scan too critically, its acts in the very midst of that crisis, when the government is liable to be overthrown, is to make war upon it, and to try to paralyze its energies. If those who seem to violate the laws of the United States in their efforts to preserve the Government are to be called to an account, wait until the country passes out of its

peril; wait until the country is relieved from its difficulty; wait until the crisis passes by, and then come forward, dispassionately, and ascertain to what extent the law has been violated, if indeed it has been violated at all.

A great ado has been made in reference to the Executive proclamation calling out the militia of the States to the extent of seventy-five thousand men. That call was made under the authority of the Act of 1795, and is perfectly in accordance with the law. It has been decided by the Supreme Court of the United States that that act is Constitutional, and that the President alone is the judge of the question whether the exigency has arisen. This decision was made in the celebrated case of *Martin vs. Mott*. Let me read from the opinion of the Court, delivered by Judge Story:—

“It has not been denied here that the Act of 1795 is within the Constitutional authority of Congress, or that Congress may not lawfully provide for cases of imminent danger of invasion, as well as for cases where an invasion has actually taken place. In our opinion, there is no ground for a doubt on this point, even if it had been relied on; for the power to provide for repelling invasion includes the power to provide against the attempt and danger of invasion as the necessary and proper means to effectuate the object. One of the best means to repel invasion is to provide the requisite force for action before the invader himself has reached the soil.

“The power thus confided by Congress to the President is, doubtless, of a very high and delicate nature. A free people are naturally jealous of the exercise of military power; and the power to call the militia into actual service is certainly felt to be one of no ordinary magnitude. But it is not a power which can be executed without a correspondent responsibility. It is, in its terms, a limited power, confined to cases of actual invasion, or of imminent danger of invasion. If it be a limited power, the question arises, By whom is the exigency to be judged of and decided? Is the President the sole and exclusive judge whether the exigency has arisen, or is it to be considered as an open question, upon which every officer, to whom the orders of the President are addressed, may decide for himself, and equally open to be contested by every militia

man who shall refuse to obey the orders of the President? We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that this construction necessarily results from the nature of the power itself and from the manifest object contemplated by the act of Congress. The power itself is to be exercised upon sudden emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience to orders is indispensable to the complete attainment of the object. The service is a military service, and the command of a military nature; and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopard the public interests." (*Martin vs. Mott*, 12 Wheaton's "Reports," p. 29.)

We see, then, that the power is clear as to calling out the militia; and we have seen that we have precedents for the suspension of the writ of *habeas corpus*.

The next objection made is that the President had no power to make additions to the navy and army. I say that in this he is justified by the great law of necessity. At the time I believe it was necessary to the existence of the Government; and it being necessary, he had a right to exercise all those powers that, in his judgment, the crisis demanded for the maintenance of the existence of the Government itself. The real question—if you condemn the President for acting in the absence of law—is, Do you condemn the propriety of his course? do you condemn the increase of the army? do you condemn the increase of the navy? If you oppose the measure simply upon the ground that the Executive called them forth anticipating law, I ask, What will you do now? The question presents itself at this time, Is it not necessary to increase the army and the navy? If you condemn the exercise of the power by the Executive in the absence of law, what will you do now, as the law-making power, when it is manifest that the army and navy should be increased? You make war upon the Executive for anticipating the action of Congress. Does not the Government need an increase of the army and the navy?

Where do gentlemen stand now? Are they for it? Do they sustain the Government? Are they giving it a helping hand? No; they go back and find fault with the exercise of a power that they say was without law; but now, when they have the power to make the law, and when the necessity is apparent, they stand back and refuse. Where does that place those who take that course? It places them against the Government, and against placing the means in the hands of the Government to defend and perpetuate its existence. The object is apparent, Mr. President. We had enemies of the Government here last winter; in my opinion, we have enemies of the Government here now.

I said that I agreed with the Senator from Kentucky that there was a design, a deliberate determination, to change the nature and character of our Government. Yes, sir; it has been the design for a long time. All the talk about slavery and compromise has been but a pretext. We had a long disquisition, and a very feeling one, from the Senator from Kentucky. He became pathetic on the hopelessness of compromises. Did not the Senator from California the other day show unmistakably that it was not compromises they wanted? I will add, that compromise was the thing they most feared; and their great effort was to get out of Congress before any compromise could be made. From the first their cry was for peaceable secession and reconstruction. They talked not of compromise; and, I repeat, their greatest dread and fear was, that something would be agreed upon; that their last and only pretext would be swept from under them, and that they would stand before the country naked and exposed. The Senator from California pointed out to you a number of these men who stood here and did not vote for certain propositions of compromise, and by their means those propositions were lost.

What was the action before the committee of thirteen? Why did not that committee agree? Some of the most ultra men from the North were members of that committee, and they proposed to amend the Constitution so as to provide that Congress in the future never should interfere with the subject of slavery. The committee failed to agree, and some of its members at once telegraphed to their States that they must go out

of the Union at once, But after all that transpired in the early part of the session, what was done? We know what the argument has been, in times gone by, again and again. It has been said that one great object of the North was, first to abolish slavery in the District of Columbia and the slave-trade between the States, as a kind of initiative measure; next to exclude it from the Territories; and when the Free States constituted three-fourths of all the States, so as to have power to change the Constitution, they would amend the Constitution so as to give Congress power to legislate upon the subject of slavery in the States, and expel it from the States in which it is now. Has not that been the argument? Now, how does the matter stand? At the last session of Congress seven States withdrew; it may be said that eight withdrew; reducing the remaining Slave States down to one-fourth of the whole number of States. The charge has been made, that whenever the Free States constituted a majority in the Congress of the United States sufficient to amend the Constitution, they would so amend it as to legislate upon the institution of slavery within the States, and that the institution of slavery would be overthrown. This has been the argument; it has been repeated again and again; and hence the great struggle about the Territories. The argument was, that we must prevent the creation of Free States; we did not want to be reduced to that point where, under the sixth article of the Constitution, three-fourths could amend the Constitution so as to exclude slavery from the States. This has been the great point; this has been the rampart over which it has been urged that the Free States wanted to pass. Now, how does the fact stand? Let us "render unto Cæsar the things that are Cæsar's." We reached, at the last session, just the point where we were in the power of the Free States, and then what was done? Instead of an amendment to the Constitution of the United States conferring power upon Congress to legislate upon the subject of slavery, what was done? This joint resolution was passed by a two-thirds majority in each House:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States,

which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz.:

“ART. 13. No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to service or labor by the laws of said State.”

Is not that very conclusive? Here is an amendment to the Constitution of the United States to make the Constitution unamendable upon that subject, as it is upon some other subjects; that Congress in the future, should have no power to legislate on the subject of slavery within the States. Talk about “compromise,” and about the settlement of this question; how can you settle it more substantially? How can you get a guaranty that is more binding than such an amendment to the Constitution? This places the institution of slavery in the States entirely beyond the control of Congress. Why have not the Legislatures that talk about “reconstruction” and “compromise” and “guaranties” taken up this amendment to the Constitution and adopted it. Some States have adopted it. How many Southern States have done so? Take my own State, for instance. Instead of accepting guaranties protecting them in all future time against the legislation of Congress on the subject of slavery, they undertake to pass ordinances violating the Constitution of the country, and taking the State out of the Union and into the Southern Confederacy. It is evident to me from all these things, that with many the talk about compromise and the settlement of this question is mere pretext, especially with those who understand the question.

What more was done at the last session of Congress, when the North had the power? Let us tell the truth. Three Territorial bills were brought forward and passed. You remember in 1847 when the agitation arose in reference to the Wilmot Proviso. You remember in 1850 the contest about slavery prohibition in the Territories. You remember in 1854 the excitement in reference to the Kansas-Nebraska Bill, and the power conferred on the Legislature by it. Now we have a Constitutional amendment, proposed at a time when the

Republicans have the power; and at the same time they come forward with three Territorial bills, and in neither of those bills can be found any prohibition, so far as slavery in the Territories is concerned. Colorado, Nevada, and Dakota are organized without any prohibition of slavery. But what do you find in these bills? Mark, Mr. President, that there is no slavery prohibition; mark too, the language of the sixth section, conferring power upon the Territorial Legislature:—

“SEC. 6. *And be it further enacted*, That the Legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents; nor shall any law be passed impairing the rights of private property; nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed.”

Can there be anything more clear and conclusive? First, there is no prohibition; next, the Legislature shall have no power to legislate so as to impair the rights of private property, and shall not tax one description of property higher than another. Now, Mr. President, I ask any reasonable, intelligent man throughout the Union, to take the amendment to the Constitution, take the three Territorial bills, put them all together, and how much of the slavery question is left? Is there any of it left? Yet we hear talk about compromise; and it is said the Union must be broken up because you can not get compromise. Does not this settle the whole question? I should like to know how much more secure we can be in regard to this question of slavery? These three Territorial bills cover every square inch of territory we have got; and here is an amendment to the Constitution embracing the whole question, so far as the States and the public lands of the United States are concerned. I know there are some who are sincere in this talk about compromise; but there are others who are merely making it a pretext, who come here claiming something in the

hope that it will be refused, and that then, upon that refusal, their States may be carried out of the Union.

I am as much for compromise as any one can be; and there is no one who would desire more than myself to see peace and prosperity restored to the land; but when we look at the condition of the country, we find that rebellion is rife, that treason has reared its head. A distinguished Senator from Georgia once said: "When traitors become numerous enough, treason becomes respectable." Traitors are getting to be so numerous now that I suppose treason has almost got to be respectable; but God being willing, whether traitors be many or few, as I have hitherto waged war against traitors and treason, and in behalf of the Government which was constructed by our fathers, I intend to continue it to the end. (Applause in the galleries.)

The President pro tempore.—"Order!"

Mr. Johnson continued: Mr. President, we are in the midst of a civil war; blood has been shed; life has been sacrificed. Who commenced it? Of that we will speak hereafter. I am speaking now of the talk about compromise. Traitors and rebels are standing with arms in their hands, and it is said that we must go forward and compromise with them. They are in the wrong; they are making war upon the Government; they are trying to upturn and destroy our free institutions. I say to them that the compromise I have to offer under the existing circumstances is: "Ground your arms; obey the laws; acknowledge the supremacy of the Constitution. When you do that, I will talk to you about compromises." All the compromise that I have to make is the compromise of the Constitution of the United States. It is one of the best compromises that can be made. We lived under it from 1789 down to the 20th of December, 1860, when South Carolina undertook to go out of the Union. We prospered; we advanced in wealth, in commerce, in agriculture, in trade, in manufactures, in all the arts and sciences, and in religion, more than any people upon the face of God's earth had ever done before in the same time. What better compromise do you want? You lived under it until you got to be a great and prosperous people. It was made by our fathers, and cemented by their blood. When you

talk to me about compromise, I hold up to you the Constitution under which you derived all your greatness, and which was made by the fathers of your country. It will protect you in all your rights.

But it is said we had better divide the country, and make a treaty and restore peace. If, under the Constitution which was framed by Washington and Madison and the patriots of the Revolution, we can not live as brothers, as we have in times gone by, I ask, can we live quietly under a treaty, separated, as enemies? Suppose you make a treaty of peace and a division, our geographical and physical position will remain just the same; and if the same causes of irritation, if the same causes of division continue to exist, and we can not now live as brothers in fraternity under the Constitution made by our fathers, and as friends in the same Government, how can we live in peace as aliens and enemies under a treaty? It can not be done; it is impracticable.

But, Mr. President, I concur fully with the distinguished Senator from Kentucky in the dislike expressed by him to a change in the form of our Government. He seemed to be apprehensive of a dictatorship. He feared there might be a change in the nature and character of our institutions. I could, if I chose, refer to many proofs to establish the fact that there has been a design to change the nature of our Government. I could refer to Mr. Rhett; I could refer to Mr. Inglis; I could refer to various others to prove this. The "Montgomery Daily Advertiser," one of the organs of the so-called Southern Confederacy, says:—

"Has it been a precipitate revolution? It has not. With coolness and deliberation the subject has been thought of for forty years; for ten years it has been the all-absorbing theme in political circles. From Maine to Mexico all the different phases and forms of the question have been presented to the people, until nothing else was thought of, nothing else spoken of, and nothing else taught in many of the political schools."

This, in connection with other things, shows that this movement has been long contemplated, and that the idea has been to separate from and break up this Government, to change its nature and character; and now, after they have attempted the

separation, if they can succeed, their intention is to subjugate and overthrow and make the other States submit to their form of Government.

To carry out the idea of the Senator from Kentucky, I want to show that there is conclusive proof of a design to change our Government.

I quote from the "Georgia Chronicle:"—

"Our own Republican Government has failed midway in its trial, and with it have nearly vanished the hopes of those philanthropists who, believing in man's capacity for self-government, believed, therefore, in spite of so many failures, in the practicability of a republic."

"If this Government has gone down," asks the editor, "what shall be its substitute?" And he answers by saying that, as to the present generation, "it seems their only resort must be to a constitutional monarchy." Hence you see the Senator and myself begin to agree in the proposition that the nature and character of the Government are to be changed.

William Howard Russell, the celebrated correspondent of the "London Times," spent some time in South Carolina, and he writes:—

"From all quarters have come to my ears the echoes of the same voice; it may be feigned, but there is no discord in the note, and it sounds in wonderful strength and monotony all over the country. Shades of George III., of North, of Johnson, of all who contended against the great rebellion which tore these colonies from England, can you hear the chorus which rings through the State of Marion, Sumter, and Pinckney, and not clap your ghostly hands in triumph? That voice says: 'If we could only get one of the royal race of England to rule over us, we should be content!' Let there be no misconception on this point. That sentiment, varied in a hundred ways, has been repeated to me over and over again. There is a general admission that the means to such an end are wanting, and that the desire can not be gratified. But the admiration for monarchical institutions on the English model, for privileged classes, and for a landed aristocracy and gentry, is undisguised and apparently genuine. With the pride of having achieved their independence, is mingled in the South Carolinian's heart

a strange regret at the result and consequences, and many are they who 'would go back to-morrow if we could.' An intense affection for the British connection, a love of British habits and customs, a respect for British sentiment, law, authority, order, civilization, and literature, pre-eminently distinguish the inhabitants of this State," etc.

This idea was not confined to localities. It was extensively prevalent, though policy prompted its occasional repudiation. At a meeting of the people of Bibb County, Georgia, the proposal of a constitutional monarchy for the Southern States, "as recommended by some of the advocates of immediate disunion," was discussed but not concurred in. Here is evidence that the public mind had been sought to be influenced in that direction; but the people were not prepared for it. Mr. Toombs, of Georgia, during the delivery of a speech by Mr. A. H. Stephens, before the Legislature of that State, did not hesitate to express a preference for the form of the British government over our own.

Not long since—some time in the month of May—I read in the "Richmond Whig," published at the place where their government is now operating, the center from which they are directing their armies which are making war upon this Government, an article in which it is stated that, rather than submit to the Administration now in power in the city of Washington, they would prefer passing under the constitutional reign of the amiable Queen of Great Britain. I agree, therefore, with the Senator from Kentucky, that there is a desire to change this Government. We see it emanating from every point in the South. Mr. Toombs was not willing to wait for the movement of the people. Mr. Stephens, in his speech to the Legislature of Georgia, preferred the calling of a convention; but Mr. Toombs was unwilling to wait. Mr. Stephens was unwilling to see any violent action in advance of the action of the people; but Mr. Toombs replied: "I will not wait; I will take the sword in my own hand, disregarding the will of the people, even in the shape of a convention;" and history will record that he kept his word. He and others had become tired and dissatisfied with a government of the people; they have lost confidence in man's capacity for self-government; and, furthermore, they would be willing to form an alliance

with Great Britain ; or, if Great Britain were slow in forming the alliance, with France ; and they know they can succeed there, on account of the hate and malignity which exist between the two nations. They would be willing to pass under the reign of the amiable and constitutional queen of Great Britain ! Sir, I love woman, and woman's reign in the right place ; but when we talk about the amiable and accomplished queen of Great Britain, I must say that all our women are ladies, all are queens, all are equal to Queen Victoria, and many of them greatly her superiors. They desire no such thing ; nor do we. Hence we see whither this movement is tending. It is to a change of government ; in that the Senator and myself most fully concur.

* The Senator from Kentucky was wonderfully alarmed at the idea of a "dictator," and replied with as much point as possible to the Senator from Oregon, who made the suggestion. But, sir, what do we find in the "Richmond Examiner," published at the seat of government of the so-called Confederate States?—

"In the late debates of the Congress of this Confederacy, Mr. Wright, of Georgia, showed a true appreciation of the crisis when he advocated the grant of power to the President that would enable him to make immediate defense of Richmond, and to bring the whole force of the Confederacy to bear on the affairs of Virginia. It is here that the fate of the Confederacy is to be decided ; and the time is too short to permit red tape to interfere with public safety. No power in Executive hands can be too great, no discretion too absolute, at such moments as these. We need a dictator. Let lawyers talk when the world has time to hear them. Now let the sword do its work. Usurpations of power by the chief, for the preservation of the people from robbers and murderers, will be reckoned as genius and patriotism by all sensible men in the world now, and by every historian that will judge the deed hereafter."

The articles in their leading papers, the "Whig" and the "Examiner," and the speeches of their leading men, all show unmistakably that their great object is to change the character of the Government. Hence we come back to the proposition

that it is a contest whether the people shall govern or not. I have here an article that appeared in the "Memphis Bulletin," of my own State, from which it appears that under this reign of secession, this reign of terror, that is destructive of all good, and the accomplishment of nothing that is right, they have got things beyond their control:

"In times like these there must be one ruling power to which all others must yield. 'In a multitude of counselors,' saith the Book of books, 'there is safety;' but nowhere are we told, in history or revelation, that there is aught of safety in a multitude of rulers. Any 'rule of action,' sometimes called the 'law,' is better than a multitude of conflicting, irreconcilable statutes. Any one head is better than forty, each of which may conceive itself the nonpareil, *par excellence*, supreme 'caput' of all civil and military affairs.

"Let Governor Harris be king, if need be, and Baugh a despot."

"Let Governor Harris be king, and Baugh a despot," says the "Bulletin." Who is Baugh? The mayor of Memphis. The mob "reign of terror" gotten up under this doctrine of secession is so great that we find that they are appealing to the one-man power. They are even willing to make the mayor of the city a despot; and Isham G. Harris, a little petty Governor of Tennessee, a king. He is to be made king over the State that contains the bones of the immortal, the illustrious Jackson. Isham G. Harris a king! Or Jeff Davis a dictator, and Isham G. Harris one of his satraps. He a king over the free and patriotic people of Tennessee! Isham G. Harris to be my king. Yes, sir, my king! I know the man. I know his elements. I know the ingredients that constitute the compound called Isham G. Harris. King Harris to be my master, and the master of the people that I have the proud and conscious satisfaction of representing on this floor! Mr. President, he should not be my slave. (Applause in the galleries.)

The President pro tempore.—"Order! A repetition of the offense will compel the Chair to order the galleries to be cleared forthwith. The order of the Senate must and shall be preserved. No demonstrations of applause or of disapprobation will be allowed. The Chair hopes not to be com-

pelled to resort to the extremity of clearing the galleries of the audience."

Mr. Johnson.—I was proceeding with this line of argument to show that the Senator from Kentucky and myself agree in the general proposition that there was a fixed determination to change the character and nature of the Government; and so far, I think, I have succeeded very well. And now, when we are looking at the elements of which this Southern Confederacy is composed, it may be well enough to examine the principles of the elements out of which is to be made a government that they prefer to this. We have shown, so far as the slavery question is concerned, that the whole question is settled; and it is shown to the American people and to the world that the people of the Southern States have now got no right which they said they had lost before they went out of this Union; but, on the contrary, many of their rights have been diminished, and oppression and tyranny have been inaugurated in their stead. Let me ask you, sir, to-day, and let me ask the Nation, what right has any State in this so-called confederacy lost under the Constitution of the United States? Let me ask each individual citizen in the United States, what right has he lost by the continuance of this Government based on the Constitution of the United States? Is there a man North or South, East or West, who can put his finger on one single privilege, or one single right, of which he has been deprived by the Constitution or Union of these States? Can he do it? Can he see it? Can he feel it? No, sir; there is no one right that he has lost. But how many rights and privileges, and how much protection, have they lost by going out of the Union, and violating the Constitution of the United States!

Pursuing this line of argument in regard to the formation of their government, let us take South Carolina, for instance, and see what her notions of government are. She is the leading spirit, and will constitute one of the master elements in the formation of this proposed Confederate government. Let us see what are her notions of government—a State that will contribute to the formation of the government that is to exist hereafter. In the constitution of South Carolina it is provided that:

"No person shall be eligible to a seat in the House of Rep-

representatives unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident of this State three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the House of Representatives unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land and ten negroes."

This is the notion that South Carolina has of the necessary qualifications of a member of the lower branch of the State Legislature. Now, I desire to ask the distinguished Senator from Kentucky—who seems to be so tenacious about compromises, about rights, and about the settlement of this question, and who can discover that the Constitution has been violated so often and so flagrantly by the Administration now in power, yet never can see that it has been violated anywhere else—if he desires to seek under this South Carolina government for his lost rights? I do not intend to be personal. I wish he were in his seat, for he knows that I have the greatest kindness for him. I am free to say, in connection with what I am about to observe, that I am a little selfish in this; because, if I lived in South Carolina, with these disabilities or qualifications affixed upon a member, I would not be eligible to a seat in the lower branch of the Legislature. That would be a poor place for me to go and get my rights, would it not? I doubt whether the Senator from Kentucky is eligible to-day to a seat in the lower branch of the Legislature of South Carolina. I should not be, and I believe I am just as good as any who do take seats there.

In looking further into the constitution of South Carolina, in order to ascertain what are her principles of government, what do we find? We find it provided that, in the apportionment of these Representatives, the whole number of white inhabitants is to be divided by sixty-two, and every sixty-second part is to have one member. Then all the taxes are to be divided by sixty-two, and every sixty-second part of the taxes is to have one member also. Hence we see that slaves, constituting the basis of property, would get the largest amount of representation; and we see that property goes in an equal representation to all the numbers, while those numbers constitute

a part of the property-holders. That is the basis of their representation.

Sir, the people whom I represent desire no such form of government. Notwithstanding they have been borne down; notwithstanding there has been an army of fifty-five thousand men created by the Legislature; notwithstanding five millions of money have been appropriated to be expended against the Union; and notwithstanding the arms manufactured by the Government, and distributed among the States for the protection of the people, have been denied to them by this little petty tyrant of a king, and are now turned upon the Government for its overthrow and destruction, those people, when left to themselves to carry out their own government and the honest dictates of their own consciences, will be found to be opposed to this revolution.

Mr. President, while the Congress of the Confederate States was engaged in the formation of their constitution, I find a protest from South Carolina against a decision of that Congress in relation to the slave-trade, published in the "Charleston Mercury," of February 13th. It is written by L. W. Spratt to "Hon. John Perkins, delegate from Louisiana." It begins in this way:

"From the abstract of the constitution for the provisional government, published in the papers this morning, it appears that the slave-trade, except with the Slave States of North America, shall be prohibited. The Congress, therefore, not content with the laws of the late United States against it, which, it is to be presumed, were readopted, have unalterably fixed the subject by a provision of the constitution."

He goes on and protests. We all know that that constitution is made for the day, just for the time being; a mere tub thrown out to the whale, to amuse and entertain the public mind for a time. We know this to be so. But in making his argument Mr. Spratt, a commissioner who went to Florida, a member of the convention that took the State of South Carolina out of the Union, says, in this protest:

"The South is now in the formation of a *slave* republic. This, perhaps, is not admitted generally. There are many contented to believe that the South, as a geographical section, is

in mere assertion of its independence; that it is instinct with no especial truth, pregnant of no distinct social nature; that for some unaccountable reason the two sections have become opposed to each other; that for reasons equally insufficient there is disagreement between the people that direct them; and that from no overruling necessity, no impossibility of coexistence, but as mere matter of policy, it has been considered best for the South to strike out for herself, and establish an independence of her own. This, I fear, is an inadequate conception of the controversy."

This indicates the whole scheme.

"The contest is not between the North and South as geographical sections, for between such sections merely there can be no contest; nor between the people of the North and the people of the South, for our relations have been pleasant; and on neutral grounds there is still nothing to estrange us. We eat together, trade together, and practice yet, in intercourse, with great respect, the courtesies of common life. But the real contest is between the two forms of society which have become established, the one at the North, and the other at the South."

The protest continues:

"With that perfect economy of resources, that just application of power, that concentration of forces, that security of order which results to slavery from the permanent direction of its best intelligence, there is no other form of human labor that can stand against it, and it will build itself a home, and erect for itself, at some point within the present limits of the Southern States, a structure of imperial power and grandeur—a glorious confederacy of States that will stand aloft and serene for ages amid the anarchy of democracies that will reel around it. . . .

"But it may be that to this end another revolution may be necessary. It is to be apprehended that this contest between democracy and slavery is not yet over. It is certain that both forms of society exist within the limits of the Southern States; both are distinctly developed within the limits of Virginia; and there, whether we perceive the fact or not, the war already rages. In that State there are about five hundred thousand slaves to about one million of whites; and as at least as

many slaves as masters are necessary to the constitution of slave society, about five hundred thousand of the white population are in legitimate relation to the slaves, and the rest are in excess."

Hence we see the propriety of Mr. Mason's letter, in which he declared that all those who would not vote for secession must leave the State, and thereby you get clear of the excess of white population over slaves. They must emigrate.

"Like an excess of alkali or acid in chemical experiments, they are unfixed in the social compound. Without legitimate connection with the slave, they are in competition with him."

The protest continues:

"And even in this State (South Carolina) the ultimate result is not determined. The slave condition here would seem to be established. There is here an excess of one hundred and twenty thousand slaves; and here is fairly exhibited the normal nature of the institution. The officers of the State are slave-owners, and the representatives of slave-owners. In their public acts they exhibit the consciousness of a superior position. Without unusual individual ability, they exhibit the elevation of tone and composure of public sentiment proper to a master class. There is no appeal to the mass, for there is no mass to appeal to; there are no demagogues, for there is no populace to breed them; judges are not forced upon the stump; governors are not to be dragged before the people; and when there is cause to act upon the fortunes of our social institution, there is perhaps an unusual readiness to meet it."

Again:

"It is probable that more abundant pauper labor may pour in, and it is to be feared that even in this State, the purest in its slave condition, democracy may gain a foothold, and that here also the contest for existence may be waged between them.

"It thus appears that the contest is not ended with a dissolution of the Union, and that the agents of that contest still exist within the limits of the Southern States. The causes that have contributed to the defeat of slavery still occur; our slaves are still drawn off by higher prices to the West. There is still foreign pauper labor ready to supply their place. Maryland,

Virginia, Kentucky, Missouri, possibly Tennessee and North Carolina, may lose their slaves, as New York, Pennsylvania, and New Jersey have done. In that condition they must recommence the contest. There is no avoiding that necessity. The systems can not mix; and thus it is that slavery, like the Thracian horse returning from the field of victory, still bears a master on his back; and, having achieved one revolution to escape democracy at the North, it must still achieve another to escape it at the South. That it will ultimately triumph none can doubt. It will become redeemed and vindicated, and the only question now to be determined is, shall there be another revolution to that end? . . .

"If, in short, you shall own slavery as the source of your authority, and act for it, and erect, as you are commissioned to erect, not only a Southern, but a slave republic, the work will be accomplished. . . .

"But if you shall not; if you shall commence by ignoring slavery, or shall be content to edge it on by indirection; if you shall exhibit care but for the republic, respect but a democracy; if you shall stipulate for the toleration of slavery, as an existing evil, by admitting assumptions to its prejudice, and restrictions to its power and progress, you reinaugurate the blunder of 1789; you will combine States whether true or not, to slavery; you will have no tests of faith; some will find it to their interests to abandon it; slave labor will be fettered; hireling labor will be free; your confederacy is again divided into antagonistic societies; the irrepressible conflict is again commenced; and as slavery can sustain the structure of a stable government, and will sustain such structure, and as it will sustain no structure but its own, another revolution comes; but whether in the order and propriety of this, is gravely to be doubted."

In another part of this protest I find this paragraph:

"If the clause be carried into the permanent government, our whole movement is defeated. It will abolitionize the border Slave States; it will brand our institution. Slavery can not share a government with democracy; it can not bear a brand upon it; thence another revolution. It may be painful, but we must make it. The Constitution can not be changed without.

The Border States, discharged of slavery, will oppose it. They are to be included by the concession; they will be sufficient to defeat it. It is doubtful if another movement will be as peaceful."

In this connection, let me read the following paragraph from DeBow's "Review:"

"All government begins with usurpation, and is continued by force. Nature puts the ruling elements uppermost, and the masses below and subject to those elements. Less than this is not government. The right to govern resides in a very small minority, the duty to obey is inherent in the great mass of mankind."

We find by an examination of all these articles, that the whole idea is to establish a republic based upon slavery exclusively, in which the great mass of the people are not to participate. We find an argument made here against the admission of non-slaveholding States into their confederacy. If they refuse to admit a non-slaveholding State into their confederacy, for the very same reason they will exclude an individual who is not a slaveholder, in a slaveholding State, from participating in the exercise of the powers of the Government. Take the whole argument through, and that is the plain meaning of it. Mr. Spratt says that sooner or later it will be done; and if the present revolution will not accomplish it, it must be brought about even if another revolution has to take place. We see, therefore, that it is most clearly contemplated to change the character and nature of the Government so far as they are concerned. They have lost confidence in the integrity, in the capability, in the virtue and intelligence of the great mass of the people to govern. Sir, in the section of the country where I live, notwithstanding we reside in a Slave State, we believe that freemen are capable of self-government. We care not in what shape their property exists; whether it is in the shape of slaves or otherwise. We hold that it is upon the intelligent free white people of the country that all governments should rest, and by them all governments should be controlled.

I think, therefore, sir, that the President and the Senator from Kentucky have stated the question aright. This is a struggle between two forms of government. It is a struggle

for the existence of the Government we have. The issue is now fairly made up. All who favor free government must stand with the Constitution, and in favor of the Union of the States as it is. That Union being once restored, the Constitution again becoming supreme and paramount, when peace, law, and order shall be restored, when the Government shall be restored to its pristine position, then, if necessary we can come forward under proper and favorable circumstances to amend, change, alter, and modify the Constitution, as pointed out by the fifth article of the instrument, and thereby perpetuate the Government. This can be done, and this should be done.

We have heard a great deal said in reference to the violation of the Constitution. The Senator from Kentucky seems exceedingly sensitive about violations of the Constitution. Sir, it seems to me, admitting that his apprehensions are well founded, that a violation of the Constitution for the preservation of the Government is more tolerable than one for its destruction. In all these complaints, in all these arraignments of the present Government for violation of law and disregard of the Constitution, have you heard, as was forcibly and eloquently said by the Senator from Illinois, before me, one word uttered against violations of the Constitution and the trampling under foot of law by the States, or the party, now making war upon the Government of the United States? Not one word, sir.

The Senator enumerates what he calls violations of the Constitution, the suspension of the writ of *habeas corpus*, the proclaiming of martial law, the increase of the army and navy, and the existing war, and then he asks: "Why all this?" The answer must be apparent to all.

But first, let me supply a chronological table of events on the other side.

1860. December 27th.—Fort Moultrie and Castle Pinckney, at Charleston, seized.

December 27th.—The revenue-cutter, *William Aiken*, surrendered by her commander, and taken possession of by South Carolina.

December 30th.—The United States arsenal at Charleston seized.

1861. *January 2d.*—Fort Macon and the United States arsenal at Fayetteville seized by North Carolina.

January 3d.—Forts Pulaski and Jackson, and the United States arsenal at Savannah, seized by Georgia troops.

January 4th.—Fort Morgan and the United States arsenal at Mobile seized by Alabama.

January 8th.—Forts Johnson and Caswell, at Smithville, seized by North Carolina; restored by order of Governor Ellis.

January 9th.—The *Star of the West*, bearing re-enforcements for Major Anderson, fired at in Charleston harbor.

January 12th.—Fort McRae, at Pensacola, seized by Florida.

January 10th.—The steamer *Marion* seized by South Carolina; restored on the 11th.

January 11th.—The United States arsenal at Baton Rouge, and Forts Pike, St. Philip, and Jackson, seized by Louisiana.

January 12th.—Fort Barrancas and the navy-yard at Pensacola seized by Florida.

These forts cost five million nine hundred and forty-seven thousand dollars, are pierced for one thousand and ninety-nine guns, and are adapted for a war garrison of five thousand four hundred and thirty men.

We find, as was shown here the other day, and as has been shown on former occasions, that the State of South Carolina seceded, or attempted to secede from this confederacy of States without cause. In seceding, her first step was a violation of the Constitution. She seceded on the 20th of last December, making the first innovation and violation of the law and the Constitution of the country. On the 27th of December what did she do? She seized Fort Moultrie and Castle Pinckney, and caused your little band of sixty or seventy men under the command of Major Anderson to retire to a little pen in the ocean—Fort Sumter. She commenced erecting batteries, arraying cannon, preparing for war; in effect, proclaiming herself at once our enemy. Seceding from the the Union, taking Fort Moultrie and Castle Pinckney, driving your men in fact into Fort Sumter, I say were practical acts of war. You need not talk to me about technicalities, and the distinction that you have got no war until Congress declares it. Congress could legalize it, or could make war, it is true; but that was practical

war. Who began it? Then, sir, if South Carolina secedes, withdraws from the Union, becomes our common enemy, is it not the duty, the Constitutional duty of the Government and of the President of the United States to make war, or to resist the attacks and assaults made by an enemy? Is she not as much our enemy as Great Britain was in the Revolutionary struggle? Is she not to-day as much our enemy as Great Britain was during the War of 1812?

In this connection I desire to read some remarks made by the Senator from Missouri (Mr. Polk), in his speech the other day, in regard to this general idea of who made the war. He said, speaking of the war:—

“This has all been brought about since the adjournment of the last Congress—since the 4th of March; indeed, since the 15th of April. Congress has declared no war. The Constitution of the United States says ‘that Congress shall be authorized to declare war;’ and yet, sir, though Congress has declared no war, we are in the midst of a war monstrous in its character, and hugely monstrous in its proportions. That war has been brought on by the President of the United States since the 4th of March, of his own motion, and of his own wrong; and under what circumstances? Before the close of the last Congress, as early as the month of January, secession was an accomplished fact. Before the close of the last Congress, as many States had seceded from the Union, or had claimed to secede, as had on the 15th of April; and yet the last Congress made no declaration of war; the last Congress passed no legislation calculated to carry on a war; the last Congress refused to pass bills having this direction, or having any purpose of coercion. Now, sir, how has this war been brought on? I have said that, in my judgment, it has been brought on by the President of the United States; and a portion of the procedure which has resulted in it is named in the preamble of this joint resolution, which it is proposed that we shall approve and legalize.”

The Senator from Kentucky spoke in similar language. Alluding to the refusal of Kentucky to respond to the first call of the President for seventy-five thousand men, he said:—

“She believed that the calling forth of such an immense

armament was for the purpose of making a war of subjugation on the Southern States, and upon that ground she refused to furnish the regiments called for. The Senator seems to be a little offended at the neutrality of Kentucky. Sir, Kentucky has assumed a position of neutrality, and I only hope that she may be able to maintain it. She has assumed that position because there is no impulse of her patriotic heart that desires her to imbrue her hands in a brother's blood, whether he be from the North or the South. Kentucky looks upon this war as unholy, unrighteous, and unjust. Kentucky believes that this war, if carried out, can result in nothing else than a final disruption of this confederacy. She hopes, she wishes, she prays, that this Union may be maintained. She believes that can not be done by force of arms; that it must be done by compromise and conciliation, if it can be done at all; and hence, being devoted truly to the Union, she desires to stay this war, and desires measures of peace to be presented for the adjustment of our difficulties."

I desire in this connection to place before the Senate the remarks of both the Senator from Kentucky and the Senator from Missouri, and to answer them at the same time. The Senator from Missouri says the war was brought on since the 4th of March by the President of the United States of his own motion. The Senator from Kentucky pronounces it an unjust, an unrighteous, and an unholy war. Sir, I think it is an unjust, an unrighteous, and an unholy war.

But, sir, I commenced enumerating the facts with a view of showing who commenced the war. How do they stand? I have just stated that South Carolina seceded—withdrawn from the confederacy; and in the very act of withdrawing she makes practical war upon the Government, and becomes its enemy. The *Star of the West*, on the 7th of January, laden simply with provisions to supply those starving men in Fort Sumter, attempted to enter the harbor and was fired upon, and had to tack about and leave the men in the forts to perish or do the best they could. We also find, that on the 11th of April General Beauregard had an interview with Major Anderson, and made a proposition to him to surrender. Major Anderson stated, in substance, that he could do no such thing;

that he could not strike the colors of his country, and refused to surrender; but he said, at the same time, that by the 15th of the month his provisions would give out, and if not re-enforced and supplied, starvation must take place. It seems that at this time Mr. Pryor, from Virginia, was in Charleston. The convention of Virginia was sitting, and it was important that the cannon's roar should be heard in the land. Virginia was to be taken out of the Union, although a majority of the delegates in the convention were elected against secession, and in favor of the Union. We find that after being in possession of the fact that by the 15th of the month the garrison would be starved out and compelled to surrender, on the morning of the 12th they commenced the bombardment, fired upon your fort and upon your men. They knew that in three days the troops in Fort Sumter would be compelled to surrender; but they wanted war. It was indispensable to produce an excitement in order to hurry Virginia out of the Union, and they commenced the war. The firing was kept up until such time as the fort was involved in smoke and flames, and Major Anderson and his men were compelled to lie on the floor with their wet handkerchiefs to their faces to save them from suffocation and death. Even in the midst of all this, they refused to cease their firing, but kept it up until he was compelled to surrender.

Who then commenced the war? Who struck the first blow? Who violated the Constitution in the first place? Who trampled the law under foot, and violated the law morally and legally? Was it not South Carolina, in seceding? And yet you talk about the President having brought on the war by his own motion, when these facts are incontrovertible. No one dare attempt to assail them. But after Fort Sumter was attacked and surrendered, what do we find stated in Montgomery when the news reached there? Here is the telegraphic announcement of the reception of the news there:

“MONTGOMERY, Friday, April 12, 1861.

“An immense crowd serenaded President Davis and Secretary Walker at the Exchange Hotel to-night.”

Mr. Davis refused to address the audience, but his Secretary of War did. The Secretary of War, Mr. Walker, said:

“No man could tell where the war this day commenced would end, but he would prophesy that the flag which now flaunts the breeze here would float over the dome of the Old Capitol at Washington before the 1st of May. Let them try Southern chivalry and test the extent of Southern resources, and it might float eventually over Faneuil Hall itself.”

What is the announcement? We have attacked Fort Sumter, and it has surrendered, and no one can tell where this war will end. By the first of May our flag will wave in triumph from the dome of the Old Capitol at Washington, and ere-long, perhaps, from Faneuil Hall in Boston. Then, was this war commenced by the President on his own motion? You say the President of the United States did wrong in ordering out seventy-five thousand men, and in increasing the army and navy under the exigency. Do we not know, in connection with these facts, that so soon as Fort Sumter surrendered they took up the line of march for Washington? Do not some of us who were here know that we did not even go to bed very confidently and securely, for fear the city would be taken before the rising sun? Has it not been published in the Southern newspapers that Ben McCulloch was in readiness, with five thousand picked men, in the State of Virginia, to make a descent and attack the city, and take it?

What more do we find? We find that the Congress of this same pseudo-republic, this same Southern Confederacy that has sprung up in the South, as early as the 6th of March passed a law preparing for this invasion—preparing for this war which they commenced. Here it is:—

“That in order to provide speedily forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each State, and to secure the public tranquillity and independence against threatened assault, the President be, and he is hereby, authorized to employ the militia, military, and naval forces of the Confederate States of America, and ask for and accept the services of any number of volunteers, not exceeding one hundred thousand.”

When your forts were surrendered, and when the President of the so-called Southern Confederacy was authorized to call

out the entire militia, naval, and military force, and then to receive into the service of the Confederate States one hundred thousand men, the President calls for seventy-five thousand men to defend the capital and the public property. Are we for the Government, or are we against it? That is the question. Taking all the facts into consideration, do we not see that an invasion was intended? It was even announced by Mr. Iverson upon this floor, that ere long their Congress would be sitting here and this Government would be overthrown. When the facts are all put together, we see the scheme, and it is nothing more nor less than executing a programme deliberately made out; and yet Senators hesitate, falter, and complain, and say the President has suspended the writ of *habeas corpus*, increased the army and navy, and they ask, Where was the necessity for all this? With your forts taken, your men fired upon, your ships attacked at sea, and one hundred thousand men called into the field by this so-called Southern Confederacy, with the additional authority to call out the entire military and naval force of those States, Senators talk about the enormous call of the President for seventy-five thousand men, and the increase he has made of the army and navy. Mr. President, it all goes to show, in my opinion, that the sympathies of Senators are with the one government and against the other. Admitting that there was a little stretch of power; admitting that the margin was pretty wide when the power was exercised, the query now comes, when you have got the power, when you are sitting here in a legislative attitude, are you willing to sustain the Government and give it the means to sustain itself? It is not worth while to talk about what has been done before. The question on any measure should be, is it necessary now? If it is, it should not be withheld from the Government.

Senators talk about violating the Constitution and the laws. A great deal has been said about searches and seizures, and the right of protection of persons and papers. I reckon it is equally as important to protect a Government from seizure as it is an individual. I reckon the morality and the law of the case would be just as strong in seizing upon that which belonged to the Federal Government as it would upon that belonging to

an individual. What belongs to us in the aggregate is protected and maintained by the same law, moral and legal, as that which applies to an individual. These rebellious States, after commencing this war, after violating the Constitution, seized our forts, our arsenals, our dock-yards, our custom-houses, our public buildings, our ships, and last, though not least, plundered the independent treasury at New Orleans of \$1,000,000. And yet Senators talk about violations of the law and the Constitution. They say the Constitution is disregarded, and the Government is about to be overthrown. Does not this talk about violations of the Constitution and law come with a beautiful grace from that side of the House? I repeat again, sir, are not violations of the Constitution necessary for its protection and vindication more tolerable than violations of that sacred instrument aimed at the overthrow and destruction of the Government? We have seen instances, and other instances might occur, where it might be indispensably necessary for the Government to exercise a power and to assume a position that was not clearly legal and Constitutional, in order to resist the entire overthrow and upturning of the Government and all our institutions.

But the President issued his proclamation. When did he issue it, and for what? He issued his proclamation calling out seventy-five thousand men after the Congress of the so-called Southern Confederacy had passed a law to call out the entire militia, and to receive into their service one hundred thousand men. The President issued his proclamation after they had taken Fort Moultrie and Castle Pinckney; after they had fired upon and reduced Fort Sumter. Fort Sumter was taken on the 12th, and on the 15th he issued his proclamation. Taking all these circumstances together, it showed that they intended to advance, and that their object was to extend their power, to subjugate the other States, and to overthrow the Constitution and the laws and the Government.

Senators talk about violations of the Constitution. Have you heard any intimation of complaint from those Senators about this Southern Confederacy; this band of traitors to their country and their country's institutions? I repeat, substantially, the language of the Senator from Illinois (Mr. Browning):

“Have you heard any complaint or alarm about violations of Constitutional law on that side? O no! But we must stand still. The Government must not move while they are moving with a hundred thousand men; while they have the power to call forth the entire militia and the army and the navy. While they are reducing our forts, and robbing us of our property, we must stand still; the Constitution and the laws must not be violated, and an arraignment is made to weaken and paralyze the Government in its greatest peril and trial.”

On the 15th of April the proclamation was issued calling out seventy-five thousand men, after the Confederate States had authorized one hundred thousand men to be received by their President; this man Davis, who stood up here and made a retiring speech; a man educated and nurtured by the Government; who sucked its pap; who received all his military instruction at the hands of this Government; a man who got all his distinction, civil and military, in the service of this Government, beneath the Stars and Stripes, and then, without cause, without being deprived of a single right or privilege, the sword he unsheathed in vindication of that flag in a foreign land, given to him by the hand of his cherishing mother, he stands this day prepared to plunge into her bosom! Such men as these have their apologists here in Congress, to excuse and extenuate their acts, either directly or indirectly. You never hear from them of law or Constitution being violated down there. O no! that is not mentioned.

On the 15th the President issued his proclamation calling seventy-five thousand men into the service of the United States; and on the 17th this same Jefferson Davis, President of the Southern Confederacy, in retaliation for the proclamation issued by the President of the United States, and in violation of the constitution of this pseudo-confederacy, issued his proclamation proposing to issue letters of marque and reprisal. In other words, he proposed to open an office and say, We will give out licenses to rob the citizens of the United States of all their property, wherever it can be picked up upon the high seas. This he proposed to do, not only in violation of the constitution of the Confederate States, but in violation of the law of nations; for no people—I care not by what name you call it—has a right

to issue letters of marque and reprisal until its independence is first acknowledged as a separate and distinct power. Has that been done? I think, therefore, Senators can find some little violation of Constitution and law down there among themselves. Sir, they have violated the law and the Constitution every step they progressed in going there, and now they violate it in trying to come this way. There was a general license offered, a premium to every freebooter, to every man who wanted to plunder and play the pirate on the high seas, to come and take a commission, and plunder in the name of the Southern Confederacy; to take, at that time, the property of Tennessee or the property of Kentucky—your beef, your pork, your flour, and every other product making its way to a foreign market. Mr. Davis authorized letters of marque and reprisal to pick them up and appropriate them. After that, their Congress saw that he had gone ahead of their constitution and the law of nations, and they passed a law modifying the issuance of letters of marque and reprisal, that they should prey upon the property of the citizens of the United States, excepting certain States—excepting Kentucky and Tennessee; holding that out as a bait, as an inducement to get them in.

I do not think, therefore, when we approach the subject fairly and squarely, that there was any very great wrong in the President of the United States, on the 19th, issuing his proclamation blockading their ports, saying you shall not have the opportunity, so far as I can prevent it, of plundering and appropriating other people's property on the high seas. I think he did precisely what was right. He would have been derelict to his duty, and to the high behest of the American people, if he had sat here and failed to exert every power within his reach and scope to protect the property of citizens of the United States on the high seas.

Senators seem to think it is no violation of the Constitution to make war on your Government; and when its enemies are stationed in sight of the Capital there is no alarm, no dread, no scare, no fright. Some of us would not feel so very comfortable if they were to get this city. I believe there are others who would not be very much disturbed. I do not think I could sleep right sound if they were in possession of this city;

not that I believe I am more timid than most men, but I do not believe there would be much quarter for me; and, by way of self-protection, and enjoying what few rights I have remaining, I expect it would be better, if they were in possession of this city, for me to be located in some other point, not too inconvenient or too remote. I believe there are others who would feel very comfortable here.

Then, Mr. President, in tracing this subject along, I can not see what great wrong has been committed by the Government in taking the course it has taken. I repeat again, this Government is now passing through its third ordeal; and the time has arrived when it should put forth its entire power, and say to rebels and traitors wherever they are, that the supremacy of the Constitution, and laws made in pursuance thereof, shall be sustained; that those citizens who have been borne down and tyrannized over, and who have had laws of treason passed against them in their own States, and who have been threatened with confiscation of property, shall be protected. I say it is the paramount duty of this Government to assert its power and maintain its integrity. I say it is the duty of this Government to protect those States, or the loyal citizens of those States, in the enjoyment of a republican form of government; for we have seen one continued system of usurpation carried on, from one end of the Southern States to the other; disregarding the popular will, setting at defiance the judgment of the people, disregarding their rights, paying no attention to their State constitutions in any way whatever. We are bound, under the Constitution, to protect those States and their citizens. We are bound to guarantee to them a republican form of government; it is our duty to do it. If we have no Government, let the delusion be dispelled; let the dream pass away; and let the people of the United States, and the nations of the earth, know at once that we have no Government. If we have a Government, based on the intelligence and virtue of the American people, let that great fact be now established; and, once established, this Government will be on a more enduring and permanent basis than it ever was before. I still have confidence in the integrity, the virtue, the intelligence, and the patriotism of the great mass of the people; and so believing,

I intend to stand by the Government of my fathers to the last extremity.

In the last Presidential contest I am free to say that I took some part. I advocated the pretensions and claims of one of the distinguished sons of Kentucky, as a Democrat. I am a Democrat to-day; I expect to die one. My Democracy rests upon the great principle I have stated; and in the support of measures, I have always tried to be guided by a conscientious conviction of right; and I have laid down for myself as a rule of action, in all doubtful questions, to pursue principle; and in the pursuit of a great principle I can never reach a wrong conclusion. I intend, in this case, to pursue principle. I am a Democrat, believing the principles of this Government are Democratic. It is based upon the Democratic theory. I believe Democracy can stand, notwithstanding all the taunts and jeers that are thrown at it throughout the Southern Confederacy. The principles which I call Democracy—I care not by whom they are sustained, whether by Republicans, by Whigs, or not—are the great principles that lie at the foundation of this Government, and they will be maintained. We have seen that so far the experiment has succeeded well; and now we should make an effort, in this last ordeal through which we are passing, to crush out the fatal doctrine of secession and those who are upholding it in the shape of rebels and traitors.

I advocated the professions of a distinguished son of Kentucky at the late election, for the reason that I believed he was a better Union man than any other candidate in the field. Others advocated the claims of Mr Bell, believing him to be a better Union man; others those of Mr. Douglas. In the South we know that there was no Republican ticket. I was a Union man then; I was a Union man in 1833; I am a Union man now. And what has transpired since the election in November last that has produced sufficient cause to break up this Government? The Senator from California enumerated the facts up to the 25th day of May, 1860, when there was a vote taken in this body declaring that further legislation was not necessary for the protection of slave property in the Territories. Now, from the 6th of November up to the 20th of December,

tell me what transpired of sufficient cause to break up this Government? Was there any innovation? was there any additional step taken in reference to the rights of the States or the institution of slavery? If the candidate whose claims I advocated had been elected President—I speak of him as a candidate, of course not meaning to be personal—I do not believe this Government would have been broken up. If Stephen A. Douglas had been elected, I do not believe this Government would have been broken up. Why? Because those who advocated the pretensions of Mr. Lincoln would have done as all parties have done heretofore: they would have yielded to the high behest of the American people.

Then, is the mere defeat of one man, and the election of another, according to the forms of law and the Constitution, sufficient cause to break up this Government? No; it is not sufficient cause. Do we not know, too, that if all the seceding Senators had stood here as faithful sentinels, representing the interests of their States, they had it in their power to check any advance that might be made by the incoming Administration? I showed these facts, and enumerated them at the last session. They were shown here the other day. On the 4th of March, when President Lincoln was inaugurated, we had a majority of six upon this floor in opposition to his Administration.

Where, then, is there even a pretext for breaking up the Government upon the idea that he would have encroached upon our rights? Does not the nation know that Mr. Lincoln could not have made his Cabinet without the consent of the majority of the Senate? Do we not know that he could not even have sent a minister abroad without the majority of the Senate confirming the nomination? Do we not know that if any minister whom he sent abroad should make a treaty inimical to the institutions of the South, that treaty could not have been ratified without a majority of two-thirds of the Senate?

With all these facts staring them in the face, where is the pretense for breaking up this Government? Is it not clear that there has been a fixed purpose, a settled design to break up the Government, and change the nature and character and whole genius of the Government itself? Does it not prove conclu-

sively, as there was no cause, that they simply selected it as an occasion that was favorable to excite the prejudices of the South, and thereby enable them to break up this Government and establish a Southern confederacy?

Then, when we get at it, what is the real cause? If Mr. Breckinridge, or Mr. Davis, or some other favorite of those who are now engaged in breaking up the Government, had been elected President of the United States, it would have been a very nice thing; they would have respected the judgment of the people, and no doubt their confidence in the capacity of the people for self-government would have been increased; but it so happened that the people thought proper to elect somebody else, according to law and the Constitution. Then, as all parties had done heretofore, it was the duty of the whole people to acquiesce; if he made a good President, to sustain him; if he became a bad one, to condemn him; if he violated the law and the Constitution, to impeach him. We had our remedy under the Constitution and in the Union.

What is the real cause? Disappointed ambition; an unhallowed ambition. Certain men could not wait any longer, and they seized this occasion to do what they had been wanting to do for a long time, to break up the Government. If they could not rule a large country, they thought they might rule a small one. Hence one of the prime movers in the Senate ceased to be a Senator, and passed out to be President of the Southern Confederacy. Another, who was bold enough on this floor to proclaim himself a rebel, retired as a Senator, and became Secretary of State. All perfectly disinterested, no ambition about it! Another, Mr. Benjamin, of Louisiana—one who understands something about the idea of dividing garments; who belongs to the tribe that parted the garments of our Savior, and upon his vesture cast lots—went out of this body and was made Attorney-General, to show his patriotism and disinterestedness; nothing else! Mr. Slidell, disinterested altogether, is to go as Minister to France. I might enumerate many such instances. This is all patriotism, pure disinterestedness! Do we not see where it all begins? In disappointed, impatient, unhallowed ambition. There has been no cause for breaking up this Government; there have been no

rights denied, no privileges trampled upon under the Constitution and Union, that might not have been remedied more effectually in the Union than outside of it. What rights are to be attained outside of the Union? The seceders have violated the Constitution, trampled it under foot; and what is their condition now? Upon the abstract idea that they had a right to secede they have gone out; and what is the consequence? Oppression, taxation, blood, and civil war. They have gone out of the Union; and, I repeat again, they have got taxes, usurpations, blood, and civil war.

I said just now that I had advocated the election to the Presidency of the distinguished Senator from Kentucky, on the ground that he was a good Union man. I wish we could now hear his eloquent voice in favor of the old Government of our fathers, and in vindication of the Stars and Stripes, that have been borne in triumph everywhere. I hold in my hand a document which was our text-book in the campaign. It is headed "Breckinridge and Lane Campaign Document No. 16. Who are the disunionists? Breckinridge and Lane the true Union candidates." It contains an extract which I will read from the Senator's address on the removal of the Senate from the old to the new Chamber. I would to God he was as good a Union man to-day as I think he was then:—

"Such is our country; ay, and more, far more than my mind could conceive or my tongue could utter. Is there an American who regrets the past? Is there one who will deride his country's laws, pervert her Constitution, or alienate her people? If there be such a man, let his memory descend to posterity laden with the execrations of all mankind. . . . Let us devoutly trust that another Senate, in another age, shall bear to a new and larger Chamber this Constitution, vigorous and inviolate, and that the last generation of posterity shall witness the deliberations of the Representatives of American States, still united, prosperous, and free."

Now this was the text—an extract from a speech of the Senator after the nomination was made:—

"When that convention selected me as one of its candidates, looking at my humble antecedents and the place of my habitation, it gave to the country, so far as I was concerned, a

personal and geographical guaranty that its interest was in the Union."

In addition to that, in Tennessee we headed our electoral ticket as if to give unmistakable evidence of our devotion to the Union, and the reason why we sustained him: "National Democratic Ticket. 'Instead of dissolving the Union, we intend to lengthen it and to strengthen it.'—*Breckinridge*." Where are his eloquent tones now? They are heard arraigning the Administration for what he conceives to be premature action, in advance of the law, or a slight departure from the Constitution. Which is the most tolerable, premature action, action in advance of law, a slight departure from the Constitution (putting it on his own ground), or an entire overthrow of the Government? Are there no advances, are there no inroads being made to-day upon the Constitution and the existence of the Government itself? Let us look at the question plainly and fairly. Here is an invading army almost within cannon-shot of the capital, headed by Jeff Davis and Beauregard. Suppose they advance on the city to-night, subjugate it, depose the existing authorities, expel the present Government: what kind of government have you then? Is there any Constitution in it? Is there any law in it? The Senator can stand here almost in sight of the enemy, see the citadel of freedom, the Constitution, trampled upon, and there is no apprehension; but he can look with an eagle eye, and, with an analytic process almost unsurpassed, discriminate against and attack those who are trying to manage your Government for its safety and preservation. He has no word of condemnation for the invading army that threatens to overthrow the Capital, that threatens to trample the Constitution and the law under foot. I repeat, suppose Davis, at the head of his advancing columns, should depose your Government and expel your authority: what kind of government will you have? Will there be any Constitution left? How eloquent my friend was upon constitutions! He told us the Constitution was the measure of power, and that we should understand and feel Constitutional restraints; and yet when your Government is, perhaps, within a few hours of being overthrown, and the law and Constitution trampled under foot, there are no apprehensions on his part;

no words of rebuke for those who are endeavoring to accomplish such results.

The Old Dominion has got the brunt of the war upon her hands. I sympathize with her most deeply, and especially with the loyal portion of her citizens, who have been browbeaten and domineered over. Now the war is transferred to Virginia, and her plains are made to run with blood; and when this is secured, what do we hear in the far South? Howell Cobb, another of these disinterested patriots, said not long since, in a speech in Georgia:—

“The people of the Gulf States need have no apprehensions; they might go on with their planting and their other business as usual; the war would not come to their section; its theater would be along the border of the Ohio River and in Virginia.”

Virginia ought to congratulate herself upon that position, for she has got the war.* Now they want to advance. Their plans and designs are to get across into Maryland, and carry on a war of subjugation. There is wonderful alarm among certain gentlemen here at the term “subjugate.” They are alarmed at the idea of making citizens who have violated the law simply conform to it by enforcing their obedience. If a majority of the citizens in a State have violated the Constitution, have trampled it under foot, and violated the law, is it subjugation to assert the supremacy of the Constitution and the law? Is it any more than a simple enforcement of the law? It would be one of the best subjugations that could take place if some of them were subjugated, and brought back to the Constitutional position that they occupied before. I would to God that Tennessee stood to-day where she did three months ago!

Mr. President, it is provided in the Constitution of the United States that “no State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.” The State authorities of Tennessee, before her people had even voted upon an ordinance to separate her from the Union, formed a league by which they transferred

fifty-five thousand men—the whole army—over to the Confederate States for the purpose of prosecuting their war. Is it not strange that such a palpable violation of the Constitution should not be referred to and condemned by any one? Here is a member of the Union, without even having the vote taken upon an ordinance of separation or secession, forming a league, by its commissioners or ministers, and handing over fifty-five thousand men to make war upon the Government of the United States, though they were themselves then within the Union. No one seems to find fault with that. The fact is, that, in the whole progress of secession, the Constitution and the law have been violated at every step from its incipency to the present point. How have the people of my State been treated? I know that this may not interest the Senate to any very great extent, but I must briefly refer to it. The people of a portion of that State, having devotion and attachment to the Constitution and the Government as framed by the sires of the Revolution, still adhering to it, gave a majority of more than twenty thousand votes in favor of the Union at the election. After that, this portion of the State, East Tennessee, called a convention, and the convention published an address, in which they sum up some of the grievances which we have been bearing in that portion of the country. They say:—

“The ‘Memphis Appeal,’ a prominent disunion paper, published a false account of our proceedings, under the head ‘The Traitors in Council,’ and styled us, who represented every county but two in East Tennessee, ‘*the little* batch of disaffected traitors who hover around the noxious atmosphere of Andrew Johnson’s home.’ Our meeting was telegraphed to the ‘New Orleans Delta,’ and it was falsely said that we had passed a resolution recommending submission if seventy thousand votes were not cast against secession. The dispatch added that ‘the Southern-Rights men are determined to hold possession of the State, though they should be in a minority.’”

They had fifty-five thousand men and five million dollars to sustain them, the State authorities with them, and made the declaration that they intended to hold the State though they should be in a minority. This shows the advance of tyranny and usurpation. By way of showing to the Senate some of the

wrongs borne and submitted to by that people, who are loyal to the Government, who have been deprived of the arms furnished by the Government for their protection—withheld by this little man Harris, the Governor of the State—I will read a few paragraphs from the address:—

“It has passed laws declaring it treason to say or do anything in favor of the Government of the United States, or against the Confederate States; and such a law is now before, and we apprehend will soon be passed by, the Legislature of Tennessee.

“It has involved the Southern States in a war whose success is hopeless, and which must ultimately lead to the ruin of the people.

“Its bigoted, overbearing, and intolerant spirit has already subjected the people of East Tennessee to many petty grievances; our people have been insulted; our flags have been fired upon and torn down; our houses have been rudely entered; our families subjected to insult; our peaceable meetings interrupted; our women and children shot at by a merciless soldiery; our towns pillaged; our citizens robbed, and some of them assassinated and murdered.

“No effort has been spared to deter the Union men of East Tennessee from the expression of their free thoughts. The penalties of treason have been threatened against them, and murder and assassination have been openly encouraged by leading secession journals. As secession has been thus overbearing and intolerant while in the minority in East Tennessee, nothing better can be expected of the pretended majority than wild, unconstitutional, and oppressive legislation; an utter contempt and disregard of law; a determination to force every Union man in the State to swear to the support of a constitution he abhors; to yield his money and property to aid a cause he detests; and to become the object of scorn and derision, as well as the victim of intolerable and relentless oppression.”

These are some of the wrongs that we are enduring in that section of Tennessee; not nearly all of them, but a few, which I have presented that the country may know what we are submitting to. Since I left my home, having only one way to leave the State through two or three passes coming out through Cum-

berland Gap, I have been advised that they had even sent their armies to blockade these passes in the mountains, as they say, to prevent Johnson from returning with arms and munitions to place in the hands of the people to vindicate their rights, repel invasion, and put down domestic insurrection and rebellion. Yes, sir, there they stand in arms, environing a population of three hundred and twenty-five thousand loyal, brave, patriotic, and unsubdued people; but yet powerless, and not in a condition to vindicate their rights. Hence I come to the Government, and I do not ask it as a suppliant, but I demand it as a Constitutional right, that you give us protection, give us arms and munitions; and if they can not be got there in any other way, to take them there with an invading army, and deliver the people from the oppression to which they are now subjected. We claim to be the State. The other divisions may have seceded and gone off; and if this Government will stand by and permit those portions of the State to go off, and not enforce the laws and protect the loyal citizens there, we can not help it; but we still claim to be the State, and if two-thirds have fallen off, or have been sunk by an earthquake, it does not change our relation to this Government. If the Government will let them go, and not give us protection, the fault is not ours; but if you will give us protection we intend to stand as a State, as a part of this confederacy, holding to the Stars and Stripes, the flag of our country. We demand it according to law; we demand it upon the guaranties of the Constitution. You are bound to guarantee to us a republican form of Government, and we ask it as a Constitutional right. We do not ask you to interfere as a party, as your feelings or prejudices may be one way or another in reference to the parties of the country; but we ask you to interfere as a Government, according to the Constitution. Of course we want your sympathy and your regard and your respect; but we ask your interference on Constitutional grounds.

The amendments to the Constitution which constitute the Bill of Rights declare that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Our people are denied this right, secured to them in their own consti-

tution and the Constitution of the United States; yet we hear no complaints here of violations of the Constitution in this respect. We ask the Government to interpose to secure us this Constitutional right. We want the passes in our mountains opened; we want deliverance and protection for a down-trodden and oppressed people, who are struggling for their independence without arms. If we had had ten thousand stand of arms and ammunition when the contest commenced, we should have asked no further assistance. We have not got them. We are a rural people; we have villages and small towns—no large cities. Our population is homogeneous, industrious, frugal, brave, independent; but now harmless and powerless, and oppressed by usurpers. You may be too late in coming to our relief; or you may not come at all, though I do not doubt that you will come. They may trample us under foot; they may convert our plains into grave-yards, and the caves of our mountains into sepulchers; but they will never take us out of this Union, or make us a land of slaves—no, never! We intend to stand as firm as adamant, and as unyielding as our own majestic mountains that surround us. Yes, we will be as fixed and as immovable as are they upon their bases. We will stand as long as we can; and if we are overpowered, and liberty shall be driven from the land, we intend, before she departs, to take the flag of our country, with a stalwart arm, a patriotic heart, and an honest tread, and place it upon the summit of the loftiest and most majestic mountain. We intend to plant it there, and leave it, to indicate to the inquirer who may come in after-times the spot where the Goddess of Liberty lingered and wept for the last time before she took her flight from a people once prosperous, free, and happy.

We ask the Government to come to our aid. We love the Constitution as made by our fathers. We have confidence in the integrity and capacity of the people to govern themselves. We have lived entertaining these opinions; we intend to die entertaining them. The battle has commenced. The President has placed it upon the true ground. It is an issue on the one hand for the people's Government, and its overthrow on the other. We have commenced the battle of Freedom. It is Freedom's cause. We are resisting usurpation and oppression.

We will triumph; we must triumph. Right is with us. A great and fundamental principle of right, that lies at the foundation of all things, is with us. We may meet with impediments, and may meet with disasters, and here and there a defeat; but ultimately Freedom's cause must triumph; for

"Freedom's battle once begun,
Bequeathed from bleeding sire to son,
Though baffled oft, is ever won."

Yes, we must triumph. Though sometimes I can not see my way clear, in matters of this kind as in matters of religion, when my facts give out, when my reason fails me, I draw largely upon my faith. My faith is strong, based on the eternal principles of right, that a thing so monstrously wrong as is this Rebellion can not triumph. Can we submit to it? Can bleeding Justice submit to it? Is the Senate, are the American people, prepared to give up the graves of Washington and Jackson to be encircled and governed and controlled by a combination of traitors and rebels? I say let the battle go on—it is Freedom's cause—until the Stars and Stripes (God bless them!) shall again be unfurled upon every cross-road, and from every house-top, throughout the confederacy, North and South. Let the Union be reinstated; let the law be enforced; let the Constitution be supreme.

If the Congress of the United States were to give up the tombs of Washington and Jackson, we should have rising up in our midst another Peter the Hermit, in a much more righteous cause—for ours is true, while his was a delusion—who would appeal to the American people, and point to the tombs of Washington and Jackson in the possession of those who are worse than the infidel and the Turk who held the Holy Sepulcher. I believe the American people would start of their own accord, when appealed to, to redeem the graves of Washington and Jackson and Jefferson, and all the other patriots who are lying within the limits of the Southern Confederacy. I do not believe they would stop the march until again the flag of this Union would be placed over the graves of those distinguished men. There will be an uprising. Do not talk about Republicans now; do not talk about Democrats now; do not talk

about Whigs or Americans now; talk about your country and the Constitution and the Union. Save that; preserve the integrity of the Government; once more place it erect among the nations of the earth; and then if we want to divide about questions that may arise in our midst we have a Government to divide in.

I know it has been said that the object of this war is to make war on Southern institutions. I have been in Free States and I have been in Slave States, and I thank God that, so far as I have been, there has been one universal disclaimer of any such purpose. It is a war upon no section; it is a war upon no peculiar institution; but it is a war for the integrity of the Government, for the Constitution, and the supremacy of the laws. That is what the Nation understands by it.

The people whom I represent appeal to the Government and to the Nation to give us the Constitutional protection that we need. I am proud to say that I have met with every manifestation of that kind in the Senate, with only a few dissenting voices. I am proud to say, too, that I believe old Kentucky (God bless her!) will ultimately rise and shake off the stupor which has been resting upon her; and instead of denying us the privilege of passing through her borders, and taking arms and munitions of war to enable a downtrodden people to defend themselves, will not only give us that privilege, but will join us and help us in the work. The people of Kentucky love the Union; they love the Constitution; they have no fault to find with it; but in that State they have a duplicate to the Governor of ours. When we look all round, we see how the Governors of the different States have been involved in this conspiracy, the most stupendous and gigantic conspiracy that was ever formed, and as corrupt and as foul as that attempted by Catiline in the days of Rome. We know it to be so. Have we not known men to sit at their desks in this Chamber using the Government's stationery to write treasonable letters; and while receiving their pay, sworn to support the Constitution and sustain the law, engaging in midnight conclaves to devise ways and means by which the Government and the Constitution should be overthrown? The charge was made and published in the papers. Many things we know that we can not fully

prove; but we know from the regular steps that were taken in this work of breaking up the Government, or trying to break it up, that there was system, concert of action. It is a scheme more corrupt than the assassination planned and conducted by Catiline in reference to the Roman Senate. The time has arrived when we should show to the nations of the earth that we are a Nation capable of preserving our existence, and give them evidence that we will do it.

I have already detained the Senate much longer than I intended when I rose, and I shall conclude in a few words more. Although the Government has met with a little reverse within a short distance of this city, no one should be discouraged and no heart should be dismayed. It ought only to prove the necessity of bringing forth and exerting still more vigorously the power of the Government in maintenance of the Constitution and the laws. Let the energies of the Government be redoubled, and let it go on with this war—not a war upon sections, not a war upon peculiar institutions anywhere; but let the Constitution and the Union be inscribed on its banners, and the supremacy and enforcement of the laws be its watchword. Then it can, it will, go on triumphantly. We must succeed. This Government must not, can not, fail. Though your flag may have trailed in the dust; though a retrograde movement may have been made; though the banner of our country may have been sullied, let it still be borne onward; and if, for the prosecution of this war in behalf of the Government and the Constitution, it is necessary to cleanse and purify that banner, I say let it be baptized in fire from the sun and bathed in a Nation's blood! The Nation must be redeemed; it must be triumphant. The Constitution, which is based upon principles immutable, and upon which rest the rights of man and the hopes and expectations of those who love freedom throughout the civilized world, must be maintained.

CHAPTER VI.

JOHNSON AS MILITARY GOVERNOR OF TENNESSEE—A
WONDERFUL HISTORY—MAKING TREASON ODI-
OUS—THE REBEL CLERGY—THE VICE-
PRESIDENCY—THE NEGROES FIND
A MOSES—THE PATRIOT.

ON the 4th or 5th of March, 1862, the Senate confirmed Mr. Johnson's appointment as Military Governor of Tennessee, and resigning his seat in that body, he at once set out to enter upon this difficult and, perhaps, to him, somewhat distasteful office. With the appointment he was ranked as a brigadier-general, but he never could have felt that the position would add materially to his honor; and this step must also be placed to his sense of duty and patriotism. In accepting this doubtful trust, feelings of revenge may not have escaped Mr. Johnson, or some sense of gratification over the thought that he would now have an opportunity to control, as a master, those who had ever been disposed to regard him in an inferior light. This supposition, however it may reflect upon the idea of a magnanimous character, is not wholly unsupported by events.

From his own section of the State many had been driven from their homes who would not take up arms in support of the rebellion, and for these men he felt a strong sympathy. He had aided mate-

rially in making their refuge in Kentucky tolerable; had been instrumental in the formation of Camp Dick Robinson, where many of the Tennessee refugees had been converted into soldiers of the Union; and now he felt it his duty to favor the Administration, in the belief that he was the proper person to attempt the restoration of loyal government in his own State.

At Cincinnati, in Kentucky, and other places he had made speeches, giving more than intimations of how he would deal with rebels, and his appointment, no doubt, to some extent, rested upon the belief that where vigor was demanded his hand would not be held back. How well this belief was sustained remains to be told.

On the 12th of March, 1862, in company with other Tennessee refugees of note, Brigadier-General Governor Johnson arrived in Nashville, and was received "with open arms" by the Union part of the population. That night he was called upon for a speech, which he was ready to make, and in which he gave some indication of the course he should pursue. A few days subsequently this speech was, substantially, printed and sent out as an appeal to the people of the State, and was as follows:—

APPEAL TO THE PEOPLE OF TENNESSEE.

FELLOW-CITIZENS,—Tennessee assumed the form of a body politic, as one of the United States of America, in the year seventeen hundred and ninety-six, at once entitled to all the privileges of the Federal Constitution, and bound by all its obligations. For nearly sixty-five years she continued in the enjoyment of all her rights and in the performance of all her

duties, one of the most loyal and devoted of the sisterhood of States. She had been honored by the elevation of two of her citizens to the highest place in the gift of the American people, and a third had been nominated for the same high office, who received a liberal though ineffective support. Her population had rapidly and largely increased, and their moral and material interests correspondingly advanced. Never was a people more prosperous, contented, and happy than the people of Tennessee under the Government of the United States, and none less burdened for the support of the authority by which they were protected. They felt their Government only in the conscious enjoyment of the benefits it conferred and the blessings it bestowed.

Such was our enviable condition until within the year just past, when, under what baneful influences it is not my purpose now to inquire, the authority of the Government was set at defiance, and the Constitution and laws contemned, by a rebellious, armed force. Men who, in addition to the ordinary privileges and duties of the citizen, had enjoyed largely the bounty and official patronage of the Government, and had, by repeated oaths, obligated themselves to its support, with sudden ingratitude for the bounty and disregard of their solemn obligation, engaged, deliberately and ostentatiously, in the accomplishment of its overthrow. Many, accustomed to defer to their opinions and to accept their guidance; and others, carried away by excitement or overawed by seditious clamor, arrayed themselves under their banners, thus organizing a treasonable power, which, for the time being, stifled and suppressed the authority of the Federal Government.

In this condition of affairs it devolved upon the President, bound by his official oath to preserve, protect, and defend the Constitution, and charged by the law with the duty of suppressing insurrection and domestic violence, to resist and repel this rebellious force by the military arm of the Government, and thus to re-establish the Federal authority. Congress, assembling at an early day, found him engaged in the active discharge of this momentous and responsible trust. That body came promptly to his aid, and while supplying him with treasure and arms to an extent that would previously have been

considered fabulous, they, at the same time, with almost absolute unanimity, declared "that this war is not waged on their part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or the established institutions of these States; but to defend and maintain the supremacy of the Constitution and to preserve the Union, with all the dignity, equality, and the rights of the several States unimpaired; and that as soon as these objects are accomplished, the war ought to cease." In this spirit, and by such co-operation, has the President conducted this mighty conquest, until, as Commander-in-Chief of the army, he has caused the national flag again to float undisputed over the capitol of our State. Meanwhile the State government has disappeared; the executive has abdicated; the Legislature has dissolved; the judiciary is in abeyance. The great ship of state, freighted with its precious cargo of human interests and human hopes, its sails all set, and its glorious old flag unfurled, has been suddenly abandoned by its officers and mutinous crew, and left to float at the mercy of the winds, and to be plundered by every rover upon the deep. Indeed, the work of plunder has already commenced. The archives have been desecrated; the public property stolen and destroyed; the vaults of the State Bank violated, and its treasures robbed, including the funds carefully gathered and consecrated for all time to the instruction of our children.

In such a lamentable crisis the Government of the United States could not be unmindful of its high Constitutional obligation to guarantee to every State in this Union a Republican form of Government, an obligation which every State has a direct and immediate interest in having observed towards every other State; and from which, by no action on the part of the people in any State, can the Federal Government be absolved. A republican form of government, in consonance with the Constitution of the United States, is one of the fundamental conditions of our political existence, by which every part of the country is alike bound, and from which no part can escape. This obligation the National Government is now attempting to discharge. I have been appointed, in the absence of the regular and established State authorities, as Military Gov-

error for the time being, to preserve the public property of the State, to give the protection of law actively enforced to her citizens, and, as speedily as may be, to restore her government to the same condition as before the existing rebellion.

In this grateful but arduous undertaking I shall avail myself of all the aid that may be afforded by my fellow-citizens. And for this purpose I respectfully but earnestly invite all the people of Tennessee, desirous or willing to see a restoration of her ancient government, without distinction of party affiliations or past political opinions or action, to unite with me, by counsel and co-operative agency, to accomplish this great end. I find most, if not all of the offices, both State and Federal, vacated, either by actual abandonment, or by the action of the incumbents in attempting to subordinate their functions to a power in hostility to the fundamental law of the State, and subversive of her national allegiance. These offices must be filled temporarily, until the State shall be restored so far to its accustomed quiet, that the people can peaceably assemble at the ballot-box and select agents of their own choice. Otherwise anarchy would prevail, and no man's life or property would be safe from the desperate and unprincipled.

I shall therefore, as early as practicable, designate for various positions under the State and county governments, from among my fellow-citizens, persons of probity and intelligence, and bearing true allegiance to the Constitution and Government of the United States, who will execute the functions of their respective offices until their places can be filled by the action of the people. Their authority, when their appointment shall have been made, will be accordingly respected and observed.

To the people themselves the protection of the Government is extended. All their rights will be duly respected, and their wrongs redressed when made known. Those who through the dark and weary night of the Rebellion have maintained their allegiance to the Federal Government will be honored. The erring and misguided will be welcomed on their return. And while it may become necessary, in vindicating the violated majesty of the law, and in reasserting its imperial sway, to punish intelligent and conscious treason in high places, no

merely retaliatory or vindictive policy will be adopted. To those especially who, in a private, unofficial capacity, have assumed an attitude of hostility to the Government, a full and complete amnesty for all past acts and declarations is offered, upon the one condition of their again yielding themselves peaceful citizens to the just supremacy of the laws. This I advise them to do for their own good, and for the peace and welfare of our beloved State, endeared to me by the associations of long and active years, and by the enjoyment of her highest honors.

And appealing to my fellow-citizens of Tennessee, I point you to my long public life as a pledge for the sincerity of my motives, and an earnest for the performance of my present and future duties.

It would be trifling for any person to intimate that this paper is lacking in tone. While it is extremely dignified and ceremonious, not even Benjamin F. Butler could have concealed in sarcastic politeness more completely the exceedingly little that rebels were reasonably to expect at his hands. Many of the very terms used with such studied severity and straitness had never been favorites in the South, even in the days of "Old Hickory," and especially in 1862 were they utterly repudiated.

"And while it may become necessary, in vindicating the violated majesty of the law, and in reasserting its imperial sway, to punish intelligent and conscious treason in high places, no merely retaliatory or vindictive policy will be adopted." These were strangely sounding words in a country where slavery and the dogma of State Rights were out in a war founded on the assumption that to them only belonged "imperial sway" over a country where law had no majesty except what it borrowed from them.

But this wily Knight of the Republic set bravely about the work assigned to him, and if his sounding appeal left anybody in doubt as to his earnestness and purposes, it was soon removed by his acts. The cause he came to uphold never languished in his hands for a moment, even in small things. This appeal or proclamation was dated on the 18th of March, and the entire annals of the war furnish few or no equals to it in patriotic, dignified, manly force. One of Governor Johnson's first steps was to call upon the mayor and Council of Nashville to take the prescribed oath of allegiance, which all refused to do except one member of the Council. He then issued a proclamation declaring the offices vacant, and made such appointments as he deemed expedient under the circumstances. The rebel citizens were defiant, and every obstruction possible was thrown in the way of organizing the government of the city, and re-establishing the national authority in any part of the State. The rebel army was still in the State, and its friends, constituting a large majority of the people of Nashville, believed it would soon return to drive out the Northern invaders and the minions of their power. But Governor Johnson determined to make his stay in Nashville permanent, and at all events, as effective as possible.

Many of the more officious and offensive rebels were arrested and confined in the penitentiary; one of the Nashville newspapers was suppressed; other papers in other portions of the State, so far as they could be reached, were put under proper control;

and in other ways the Governor's iron hand began to be felt among evil-doers. But with all of Governor Johnson's fortitude and energy progress was necessarily slow. Early in May he succeeded in holding a Union convention in Nashville with a view of promoting organization and co-operation among those willing to stand by the Government in the attempt to restore the State to its former loyal relations. But little was effected in that way during that year. For several months, indeed until after the rebel defeat at Murfreesboro, he was mainly occupied in a struggle to hold Nashville. And as his own circumstances became more pressing, the Governor became more severe in his exactions and mode of dealing with the rebels. The following proclamation well exhibits the general spirit of his administration, as well as the necessities which fostered it:—

“EXECUTIVE OFFICE, NASHVILLE, TENN., May 9, 1862.

“WHEREAS, Certain persons, unfriendly and hostile to the Government of the United States, have banded themselves together, and are now going at large through many of the counties of this State, arresting, maltreating, and plundering Union citizens wherever found:

“Now therefore, I, Andrew Johnson, Governor of the State of Tennessee, by virtue of the power and authority in me vested, do hereby proclaim that in every instance in which a Union man is arrested and maltreated by the marauding bands aforesaid, five or more rebels, from the most prominent in the immediate neighborhood, shall be arrested, imprisoned, and otherwise dealt with as the nature of the case may require; and further, in all cases where the property of citizens loyal to the Government of the United States is taken or destroyed, full and ample remuneration

shall be made to them out of the property of such rebels in the vicinity as have sympathized with, and given aid, comfort, information, or encouragement to the parties committing such depredations.

"This order will be executed in letter and spirit. All citizens are hereby warned, under heavy penalties, from entertaining, receiving, or encouraging such persons so banded together or in any wise connected therewith.

"By the Governor:

ANDREW JOHNSON.

"EDWARD H. EAST, Secretary of State."

The clergymen of Nashville were early objects of his attention, as they were of his detestation. The following interesting extract on this point is taken from the brief diary of the correspondent of the "New York Herald," who spent several months with Governor Johnson, and a part of the time acted as his aid-de-camp:—

"*June 18th.*—The clergymen of this city, with the exception of the Catholic (and even the Catholic Bishop Wheelan thinks the South never can be brought back into the Union), are almost to a man secessionists. They, unfortunately for themselves, are not quietly so; but preach treason every Sabbath from their pulpits. Having been required by Governor Johnson to step up to the office of the Secretary of State and subscribe to the oath of allegiance, they obeyed the summons so far as attending the office was concerned, but no further. The interview was interesting, and bears being further described, even to repetition.

"As Governor Johnson entered the room, he shook hands familiarly with two or three of the reverend congregation. Others did not seem inclined to shake hands with him, nor he with them. Although of a religious

turn of mind, and a respecer of the doctrines of an enlarged spirit of Christianity, it was the first time Governor Johnson had had the opportunity of mingling in so influential a class-meeting, one representing such diverse sectarian tenets. Perfectly composed, he entered into the midst of them, and said: 'Well, gentlemen, what is your desire?'

"*Rev. Mr. Schon.*—I speak but for myself, Governor; I do not know what the other gentlemen wish. My request is that I may have a few days to consider the subject of signing the paper. I wish to gather my family together, and talk over the subject.

"*Governor Johnson.*—How long a time will you require?

"*Rev. Mr. Schon.*—My wife is at some distance, and my family having recently labored under a severe domestic affliction, I would, if you have no objection, Governor, have fourteen days allowed me for the purpose of gathering my family together.

"*Rev. Mr. Ford.*—That is not to be understood to be the request of all of us.

"*Rev. Mr. Schon.*—O no, Governor. We have been conversing on the subject, and I did not know but that it would be desirable to have a mutual consultation before we again met.

"*Rev. Mr. Howell.*—I did not so understand the brother.

"*Rev. Mr. Kendrick.*—Nor I. We can come as well singly as together.

"*Rev. Mr. Saurie.*—I did not so understand the proposition.

"*Rev. Mr. Schon.*—It was a bare suggestion, and the object might have been misapprehended by the brethren.

"*Governor Johnson.*—It seems to me that there should be but little hesitation among you, gentlemen, about the matter. All that is required of you is to sign the oath of allegiance. If you are loyal citizens you can have no

reason to refuse to do so. If you are disloyal, and working to obstruct the operations of the Government, it is my duty, as the representative of that Government, to see that you are placed in a position so that the least possible harm can result from your proceedings. You certainly can not reasonably refuse to renew your allegiance to the Government that is now protecting you and your families and property.

“Rev. Mr. Elliott.—As a non-combatant, Governor, I considered that under the stipulations of the surrender of this city I should be no further annoyed. As a non-combatant, I do not know that I have committed an act, since the Federals occupied the city, that would require me to take the oath required.”

“Governor Johnson.—I believe, Mr. Elliott, you have two brothers in Ohio.”

“Mr. Elliott.—Yes, Governor, I have two noble brothers there. I have seen them but on occasional visits for thirty-four years. They have been good friends to me. They did not agree with me in the course I pursued in regard to secession. But I have lived in Tennessee so many years that I have considered the State my home, and am willing to follow her fortunes. Tennessee is a good State.”

“Governor Johnson.—I know Tennessee is a good State; and I believe the best way to improve her fortunes is to remove those from her borders who prove disloyal and traitors to her interests, as they are traitors to the Government that has fostered and protected them. I think, Mr. Elliott, a visit to your brothers in Ohio will prove of service to you.”

“Rev. Mr. Elliott.—I do not know whenever I have been proven disloyal. I am no politician, and never attended but one political meeting, and never but once perpetrated a political joke.”

“Governor Johnson.—Perhaps not, sir. But by your

inflammatory remarks and conversation, and by your disloyal behavior in weaning the young under your charge from their allegiance to the Government established by their fathers, you have won a name that will never be placed on the roll of patriots. A visit to the North, I repeat, may be of benefit to you. (Sensation.)

"*Rev. Mr. Kendrick* (after reading the oath).—I would like a few days' time before I sign this paper, Governor.

"*Governor Johnson*.—How long do you require?

"*Rev. Mr. Kendrick*.—Just as you please, Governor. One, two, or three days, or a week.

"*Governor Johnson*.—A week from to-day.

"*Rev. Mr. Kendrick*.—Yes, Governor, say a week.

"The other clergymen were inquired of in regard to the time they required to make up their minds, and it was generally agreed that they, within a week, would be prepared to either renew their allegiance or make preparations for their departure. This was the understanding with all the clergymen, with the exception of the Rev. Mr. Elliott, with whom a time for a private interview was assigned by Governor Johnson.

"The physicians—Drs. B. W. Hall and A. H. Ford—remained after the clergymen departed. Dr. Hall was reported as having said in a public speech, on the night of the fall of Fort Donelson, that 'the penitentiary should be cleared of its inmates and their places occupied by Union citizens.' He was also accused of introducing a resolution in a public meeting embracing sentiments trespassing heavily upon the rights of Union citizens.

"Governor Johnson talked to him with some severity, which excited some resentful emotions in the breast of the doctor. He said:—

"Governor Johnson, I know you have a grudge against me, and you are now gratifying your revenge.

"*Governor Johnson*.—I have no reason to gratify any resentment I may entertain towards you, sir.

“Dr. Hall.—Why have you no reason?”

“Governor Johnson.—Because I consider you too contemptible to excite an emotion of resentment in any one.

“Dr. Hall at this moment jumped suddenly upon his feet, and we did not know what would happen next. The doctor was angry, but the determined demeanor of Governor Johnson disarmed him if he did entertain hostile intentions. The Governor then turned quietly on his heel and returned to his private room.

“June 28th.—To-day the clergymen signified to Governor Johnson their determination not to take the oath, and were sent to the penitentiary prior to their removal to General Halleck to be exchanged for Union prisoners. The Catholic Church will therefore be the only one opened for services to-morrow (Sunday).”

Immediately after the confinement of these obstreperous individuals the following order was issued:—

“EXECUTIVE DEPARTMENT, June 28, 1862.

“LIEUTENANT-COLONEL McLAIN, Acting Provost Marshal:—

“SIR,—I have to request that you will issue stringent orders prohibiting all visitors to the members of the clergy this day sent as prisoners to the penitentiary, except such as have special permission from me for that purpose; and, I would add, this privilege should be granted only for good and sufficient reasons. I would suggest that no encouragement should be given to that secession spirit and feeling which are manifested in the numerous offerings of delicacies, etc., by sympathizing rebel friends. These men were not sent to the penitentiary, there to be kept as subjects of special attention from traitors, nor to be lionized by a class of people, who, if properly dealt with, would be allowed the privilege of expressing their sympathy only in the same place of confinement.

“They are there as enemies of our Government, and

as such are entitled to, and should receive, such consideration only as attaches to a person guilty of so infamous a crime. Very respectfully,

“ANDREW JOHNSON, Military Governor.”

On the same day the following order was sent to the Provost Marshal, Colonel R. W. McLain:—

“SIR,—Reverend Doctors Howell, Ford, Sehon, Saurie, and Baldwin are under arrest, and they are hereby placed in your custody. Should they desire to give evidence of their loyalty by taking the oath of allegiance and giving their individual bonds in the sum of five thousand dollars each for the faithful observance thereof they will be permitted to do so, and their release ordered accordingly.

“If, however, it is their determination not to give such evidence of loyalty, they will be committed to prison, there to remain until arrangements are completed for their transportation South, beyond the Federal lines, there to be left, with the distinct understanding that, if they recross or come within said lines during the Rebellion, they will be considered spies, and dealt with accordingly.

“Very respectfully,

“ANDREW JOHNSON, Military Governor.”

The following passages from the diary of “The Herald’s” correspondent give a graphic account of another matter of interest in Governor Johnson’s early efforts to recover his State:—

“*May 12th.*—To-day was a great day for Nashville, and for Governor Johnson as the leader and champion of the Union phalanx in Tennessee. A very large mass convention was held in the House of Representatives, at which Ex-Governor Campbell presided. After speeches by several prominent Union men, Governor Johnson was loudly called for. The moment he made his appearance there was one universal shout of

welcome. All present seemed to congratulate themselves on having a leader of so determined a mien in this crisis as the man who now stood before them. The delegates from the country districts seemed electrified by his presence; and, as one remarked, who was forced by the presence of the multitude to crowd upon our elbow as we were taking a few notes of the proceedings: 'Andy Johnson's got the people with him; that's a fact.' After the tumult of applause had subsided, Governor Johnson proceeded to address the audience. His remarks occupied three hours' time, and covered a large portion of the field of his present operations, with magnanimous references to incidents of the past, hope in the present, and confidence in the future. He said he now felt it the proudest moment of his life to stand here, under the Stars and Stripes, and on the platform of the Union, with those who had differed with him politically. Taking the hand of the president of the meeting, Governor Campbell, and shaking it warmly, he repeated his heart-felt congratulations upon the auspicious event, and upon the prospect of a speedy restoration of Tennessee to the Union. He continued: 'If the Union goes down, we go down with it. There is no other fate for us. Our salvation is the Union, and nothing but the Union. The only inquiry must be, Are you for the Union, and willing to swear that the last drop of your blood shall be poured out in its defense?' (Applause long continued.) He would say to others that he would toil through mountains, through valleys, through plains, at night and by day, and all his exertions should be toward the restoration of Tennessee to her former relations with the Federal Government.

"The effect of the following passage in his speech was profound and thrilling: 'Treason must be punished, or, rather, treason must be crushed out and traitors must be punished. Intelligent, conscious traitors must be punished. Not the great mass who have been forced under conscription into the Southern armies. We say to them, Return to your allegiance and no punishment shall be inflicted. But to those who brought this sea of blood upon our land, who arrayed brother against brother, we say to the conscious, intelligent traitor, You will be punished.' And some of his auditors leaped to their seats in the

frenzy of their agitation as he uttered the closing words of the following:

“What confidence should Tennesseans have in Jeff Davis? How long is it since he attempted to tarnish the fair fame of Tennessee? In secret session the people of Tennessee were lashed to the car of his hybrid, despotic government. Tennesseans are now in the dungeons of Alabama, bound in irons, and fed on rotten meat and diseased bones. No sound comes to cheer them; no sound to relieve them of their sad and weary confinement save the clanking of the chains that confine them. What sin, what crime, what felony have they committed? None! None! In the name of God, none, except that they love the flag of their country. (Great applause.) There is one question,’ continued Governor Johnson, placing much stress upon his observations, ‘which underlies all others at this juncture: I say what I know, I know what I say and feel; that is, the struggle to know whether man is capable of self-government, whether man can govern himself.’ He believed that the question of slavery was made the pretext for breaking up the Government, in order to establish a monarchy. He referred to South Carolina as having inaugurated ‘this infamous, diabolical, damnable Rebellion;’ and deduced from the fact that the Tories in that State, during the Revolutionary War, had proposed arrangements for a restoration to vassalage under that power, that they were ready for a return to a monarchy, and the establishing of an aristocracy that should control the masses. (Sensation.) In support of this view Governor Johnson presented the fact that one of the leading inducements of separation was the hope of succor, recognition, and help from Great Britain and France. ‘Separation!’ he exclaimed, ‘separate from the United States; and what does South Carolina, or any other of the seceded original States, do but fall back to its original colonial condition? to the condition of vassalage to Queen Victoria? Shall we overlook these things in the great clamor for Southern rights?’ Jeff Davis, Toombs, Iverson, Benjamin, and Wigfall he pronounced conspirators worse than those of Rome. ‘Will you,’ he asked of the men of Tennessee, ‘become vassals to these men?’ He appealed to those who had a recollection of the sires of the Revolution, of those

deeds which taught them to revere the memories of the past; to the times when the blood spouted from the heels of those who, barefooted, made lone and weary marches, through snow and over frozen rivers, to achieve their independence from foreign domination, to answer. (Applause.) 'Are you willing,' he asked, 'to quail before treason and traitors, and surrender the best Government the world ever saw? (Cries of "Never, never!")' Although the revolution has run rampant, it has not overcome a people who know that there is a redeeming spirit, a returning sense of justice abiding in the hearts of the great mass of the people.' He compared the present darkness and depression of the Union men to the lava that, issuing from the crater of Vesuvius, had receded only to return in a volume of liquid fire and sweep over the land. 'There is,' he said, 'a redeeming spirit coming over the land. In the forests, and there are many here who can understand the simile, the murmurs of the coming storm can be heard before the storm breaks forth in its fury. He heard the murmurs of that coming storm now. It was returning to crush out treason and rebellion.

"Referring to the cry for Southern rights, he exclaimed: 'Southern rights! Why, a man in South Carolina is not eligible to a seat in the Legislature unless he owns ten negroes and is possessed of \$500 freehold property. Where's that man,' he asked, 'who wants his rights in the Territories? Why don't he go to South Carolina? Would he be allowed to become a member of the Legislature? No. I doubt whether he would be allowed to darken the doors of the capital.' Governor Johnson said if he should go there himself he would not be eligible to a seat in the Lower House of the Legislature. It required the ownership of ten negroes for eligibility. He only owned nine, or did once own them; but they have since been confiscated by the Southern Confederacy, and they have them now. They went to his home, where his wife was sick, and his child, eight months old, consuming with consumption. They turned his wife and child into the streets, and converted his house, built with his own hands, into a hospital and barracks. His servants being confiscated, it was with great difficulty and much suffering that his wife and little boy were enabled to reach the house of a relative, many miles distant.

‘Call you this Southern rights? If so, God preserve me from another such infliction.’ (The audience were silent as the tomb as the Governor related this portion of his personal experience. The sensation was profound.) Proceeding, he said he did not wish to be understood as conveying the idea that Tennessee was out of the Union. She had no right to go out, no more than you have to apply the torch to a building without asking the consent of your adjoining neighbor. She is not out; she is still an integral part of the Union. When the Rebellion is put down she will stand in her relations as she stood before, one of the brightest stars in the galaxy of Federal States. (Continued applause.) The Governor concluded by paying his respects to the female portion of the secession population in Nashville. He said that when a woman shall unsex herself she must be met in the character she assumes. He regretted that there were so few Union women in Nashville. Why should the women oppose the Union? We want their assistance. He believed that by women’s influence many men have been induced to join the Confederates. (Voices: ‘Yes, hundreds,’ ‘thousands.’) The Governor paid a beautiful and eloquent tribute to woman in her natural and appropriate sphere. Though there were but few Union women now in Nashville, he looked forward to the time when there will be plenty; to the time when scenes of blood and carnage, the smoke and dust of battle, shall cease; to the time when the dove will come, and the stars of the morning shall sing, and the Savior shall proclaim ‘Peace on earth, good-will to man.’

“*May 24th.*—Immediately following the Union mass-meeting in Nashville, arrangements were made to get up another in the interior of the State, in Murfreesboro, Rutherford County, a region that had been the hot-bed of secesh. It came off to-day. We left Nashville in company with Governor Johnson and one of the Governor’s aids. Not apprehending any difficulty from guerrillas, no guard accompanied the train. We reached Murfreesboro about noon; and by invitation repaired to the residence of Mr. Jordan, a Union citizen, where a bountiful dinner was prepared. We then repaired to the court-house, where, placing a couple of boards on the heads of barrels, a platform was prepared outside the building; and after addresses

from the presiding officer, Hon. William Spence, and Hon. Edmund Cooper, of Shelbyville, Governor Johnson was introduced. The audience was a queer mixture of blue coats and butternuts. The latter stood listlessly inside the railing of the court-house yard, and even the spirited and eloquent remarks of Mr. Cooper could not arouse them from their incomprehensible state of listlessness. But as Governor Johnson proceeded they began to exhibit more interest and attention. He seemed to know where and how to touch the hearts of the Tennesseans and make them vibrate with patriotic emotions. In emphatic words he urged the deluded and erring Union men, who had by force or choice joined the rebel armies, to return to their allegiance, and to all, except to the 'intelligent and conscious traitor,' would amnesty be granted. Over the whole field of local, and a great proportion of national, politics did this inflexible and indefatigable exponent and defender of the Constitution and the Union proceed, and for three hours and more enlist the attention of his auditors. It was a sight to observe the sway he seemed to have over them, as exhibited in their physiognomies and actions. Now they would lend silent and immovable attention; again, as a striking fact or forcible and pertinent illustration would present itself, they would burst into a laugh, and applaud with approving cries of 'Good for Andy,' 'That's the talk,' etc. And when he particularly alluded to his own sufferings and to those of others, and to the horrors that encompassed a continuance of the Rebellion, tears were shed by more than one stout and stalwart Tennessean.

"*June 2d.*—The Union meetings inaugurated in Nashville are being followed up. One was held to-day in Columbia. It was addressed by Governor Johnson and Neil S. Brown, the first appearance of the latter on the Union platform this season. An apprehended accident, whether premeditated or otherwise, came near putting a stop to Governor Johnson's appearance as a speaker. Taking a carriage, with one of his aids, at the railroad depot for the hotel, with a small escort of soldiery, the horses, from some cause or other, took fright as the carriage was passing up a hill at the edge of a steep embankment, and suddenly turned nearly around. Governor Johnson's quick eye discovered the movement, and in a moment he

opened the carriage door and landed upon *terra firma*, followed by the other occupants of the vehicle. Had the carriage overturned at the spot, and the danger was imminent, there is no knowing what damage might have ensued. As it was, the Governor concluded not to try a similar experiment; for there was no calculating what mischievous or dastardly tricks the secessionists of the vicinity might undertake in order to wreak their vengeance upon him, and he concluded to walk the remainder of the distance, about a mile and a half.

The meeting was held in a market-space, under a building used for some local official purpose. Mounted upon a butcher's block—the stump of a huge oak-tree—Governor Johnson delivered another of his impassioned addresses to the soldiers and citizens present. His appeal was earnest in behalf of the Union, and he implored his fellow-citizens in that part of Tennessee to unite with him in restoring their glorious old State back to the endearing arms of the Federal Union. Hon. Neil S. Brown also spoke in behalf of a Union restored, declaring that the Rebellion was played out. Much disappointment was felt at the non-appearance at the meeting of Colonel William H. Polk, brother of the late President Polk, who was instrumental in getting it up.

June 7th.—Following the meeting at Columbia came another at Shelbyville to-day, by far the most significant since the mass convention in Nashville last month. The meeting was held in the fair-grounds, and from three to four thousand persons, including many ladies, were present. Speeches were made by Governor Johnson, Mr. Wisener (President), and Colonel Scudder, once a secesh, now a strong Unionist. It was an enthusiastic and demonstrative gathering."

One of the matters which early enlisted the attention of Governor Johnson was the wretched condition of many families in Nashville and other places, who were found without means of support. The men had been induced to enter the rebel army under promises of wealthy secessionists to provide for their families. For a time, perhaps, these promises were

fulfilled, but at last necessity or other circumstances caused them to be forgotten. The Governor was not long in deciding on his course. The following order was at once issued, and the astonished rebels reminded of an unavoidable way of having their obligations executed :—

“STATE OF TENNESSEE, EXECUTIVE DEPARTMENT, }
NASHVILLE, August 18, 1862.

“SIR,—There are many wives and helpless children in the city of Nashville and county of Davidson, who have been reduced to poverty and wretchedness in consequence of their husbands and fathers having been forced into the armies of this unholy and nefarious rebellion. Their necessities have become so manifest, and their demands for the necessities of life so urgent, that the laws of justice and humanity would be violated unless something was done to relieve their suffering and destitute condition.

“You are therefore requested to contribute the sum of — dollars, which you will pay over within the next five days to James Whitworth, Esq., Judge of the County Court, to be by him distributed among these destitute families in such manner as may be prescribed.

“Respectfully,

ANDREW JOHNSON, Military Governor.

“Attest: EDWARD H. EAST, Secretary of State.”

The assessment made at this time was from fifty to three hundred dollars, according to the supposed ability of those assessed. Some time subsequently a more general demand was made for the same purpose on the more wealthy rebels, and many thousands of dollars were raised, and faithfully distributed among the class made destitute by promises which

never could be, or which were never meant to be, fulfilled.

Early in September, General Buell fell back with his army to Nashville, abandoning all the southern part of the State to the rebels, and exhibiting a strong disposition to desert Nashville. This brought him into conflict with Governor Johnson, who was plainly inclined to consider Buell a traitor. It was difficult for Johnson to think of giving up Nashville, and losing the "moral force" his cause had gained, and he finally determined not to do so. He would demolish the place before it should again fall into the hands of the rebels. He immediately urged the President to remove General Buell, and the wish was gratified. Mr. Lincoln himself entertained some doubts about General Buell. By the middle of September the rebels had quite effectively shut up the small Union army in Nashville, and until the arrival of General Rosecrans, on the 14th of November, with re-enforcements, it was entirely without communication with the outside world. During the siege Governor Johnson had proposed to shoot any man who desired to surrender, and throughout, his conduct was such as to excite general admiration at the North, and especially that of Mr. Lincoln, who felt that in this man he had made no mistake.

In 1863 Governor Johnson made two trips to Washington to consult with the President, and entered, with all his strength, into every scheme and work for the advance of the national interest. There was no wavering in his hand or his voice. He built

railroads, made speeches, recruited for the army, and did with success whatever there was for him to do. Under his persevering efforts several regiments of Tennesseans entered the service of the Government.

Although he never relinquished his work of re-establishing the State government, he was not able to make much headway until after the battle of Chattanooga, and the rebels were driven from East Tennessee. The always "Lost Cause" began to be abandoned by many of its friends, and it became fully apparent that Tennessee could not be held by the bankrupt rebel leaders. In January, 1864, Governor Johnson issued a proclamation, ordering an election in the following March, for various minor offices; and subsequently another election was held for choosing State officers, and in a considerable part of the State some progress was made toward organizing the government.

During the Presidential contest of 1864, Governor Johnson engaged, to some extent, in the canvass out of the State, but mainly occupied himself with the difficult task he had undertaken at home. In one of his early speeches he had said:—

"Tennessee is not out of the Union, never has been, and never will be out. The bonds of the Constitution and the Federal power will always prevent that. This Government is perpetual; provision is made for reforming the Government and amending the Constitution, and admitting States into the Union—not for letting them out of it.

"Whenever you desire, in good faith, to restore civil authority, you can do so, and a proclamation for an elec-

tion will be issued as speedily as it is practicable to hold one. One by one, all the agencies of your State government will be put in motion. A Legislature will be elected; judges will be appointed temporarily until you can elect them at the polls; and so of sheriffs, county court judges, justices, and other officers, until the way is fairly open for the people and all the parts of civil government resume their ordinary functions. This is no nice, intricate, metaphysical question. It is a plain, common-sense matter, and there is nothing in the way but obstinacy."

And in August, 1864, he wrote of his work:—

"We are getting along here, under the circumstances, as well as could be expected. We are taking steps gradually to restore the State; reorganizing the counties and courts as important preliminary steps to calling a convention, and holding elections by the people for all the offices of the State. If our armies are successful at Richmond and Atlanta (as I trust in God they will be), we can give a vote in November for President and Vice-President."

The following proclamation, issued at this time, created no little hubbub among politicians:—

"STATE OF TENNESSEE, EXECUTIVE DEPARTMENT, }
"NASHVILLE, TENN., September 30, 1864. }

"WHEREAS, A respectable portion of the loyal people of Tennessee, representing a large number of the counties of the State, and supposed to reflect the will of the Union men in their respective counties, recently held a convention in the city of Nashville, in which, among other things touching the reorganization of the State, they with great unanimity adopted the following resolutions:

"2. *Resolved*, That the people of Tennessee, who are now and have been attached to the National Union, do hold an election for President and Vice-President in the ensuing election in November.

“3. *Resolved*, That the electors shall be the following and no others; the same being free white men, twenty-one years of age, citizens of the United States, and for six months previous to the election citizens of the State of Tennessee—

“1st. And who have voluntarily borne arms in the service of the United States during the present war, and who are either in the service or have been honorably discharged.

“2d. All the known active friends of the Government of the United States in each county.

“4. *Resolved*, That the citizen electors designated in the foregoing resolutions shall, at least fifteen days before the election, register their names with an agent to be appointed for that purpose, and no citizen not thus registered shall be allowed to vote. Such registration shall be open to the public for inspection, and to be executed according to such regulations as may hereafter be prescribed: *Provided*, that the officers of the election, in the discharge of their duty, may reject any party so registered on proof of disloyalty.

“5. *Resolved*, That, as means for ascertaining the qualifications of the voters, the registers and officers holding the election may examine the parties on oath touching any matter of fact. And each voter, before depositing his vote, shall be required to take and subscribe the following oath, viz.:

“I solemnly swear that I will henceforth support the Constitution of the United States, and defend it against the assaults of all enemies; that I am an active friend of the Government of the United States, and the enemy of the so-called Confederate States; that I ardently desire the suppression of the present rebellion against the Government of the United States; that I sincerely rejoice in the triumph of the armies and navies of the United States, and in the defeat and overthrow of the armies, navies, and of all armed combinations in the interest of the so-called

Confederate States; that I will cordially oppose all armistices or negotiations for peace with rebels in arms, until the Constitution of the United States and all laws and proclamations made in pursuance thereof shall be established over all the people of every State and Territory embraced within the National Union, and that I will heartily aid and assist the loyal people in whatever measures may be adopted for the attainment of these ends; and further that I take this oath freely and voluntarily, and without mental reservation. So help me God.

“‘Said oath being *prima facie* evidence, subject to be disproved by other testimony.

“‘6. *Resolved*, That the polls be opened at the county seat, or some other suitable place in each county, and the ballot-box be so guarded and protected as to secure to electors a free, fair, and impartial election, and that polls also be opened for the convenience of the soldiers, at such places as may be accessible to them.’

“AND WHEREAS, It further appears from the proceedings of said convention, ‘that the Military Governor of the State of Tennessee is requested to execute the foregoing resolutions in such manner as he may think best subserves the interests of the Government;’

“AND WHEREAS, I, Andrew Johnson, Military Governor of the State of Tennessee, being anxious to co-operate with the loyal people of the State, and to encourage them in all laudable efforts to restore the State to law and order again, and to secure the ballot-box against the contamination of treason by every reasonable restraint that can be thrown around it, I do therefore order and direct that an election for President and Vice-President of the United States of America be opened and held at the county seat, or other suitable place in every county in the State of Tennessee, upon the first Tuesday after the first Monday in the month of November next, at which all citizens and soldiers, being free white men, twenty-one years of age, citizens of the

United States, and for six months prior to the election citizens of the State of Tennessee, who have qualified themselves by registration, and who take the oath prescribed in the foregoing resolutions, shall be entitled to vote, unless said oath shall be disproved by other testimony, for the candidates for President and Vice-President of the United States.

“And to the end that the foregoing resolutions, which are made part of this proclamation, may be faithfully executed, and the loyal citizens of the State, and none others, be permitted to exercise the right of suffrage, I do hereby appoint the several gentlemen whose names are affixed to this proclamation, to aid in said election, and superintend the registration of the loyal voters in their respective counties, as provided by the fourth resolution above quoted.

“But as the day of election is near at hand, and there may be a difficulty in completing the registration within the time limited, it is not intended that the registration be an indispensable prerequisite to the qualification of the voter; and in such cases, where it is impracticable, and where the voter is of known and established loyalty, he shall be entitled to vote, notwithstanding he may not have registered his name as required by the foregoing resolution.

“The election shall be opened, conducted, returns made, etc., in all respects as provided by the fourth chapter of the ‘Code of Tennessee,’ except so far as the same is modified by this proclamation.

“But in cases where the County Court fail or neglect to appoint inspectors or judges of election, and there is no sheriff or other civil officer in the county qualified by law to open and hold said election, the registering agents, hereto appended, may act in his stead, and in all respects discharge the duties imposed in such cases upon sheriffs.

“In like manner it is declared the duty of the military officers commanding Tennessee regiments, battalions, or

tution of the United States, and defend it against the assaults of its enemies."

This was, perhaps, enough under the circumstances. If it was not, the oath of the Nashville Convention and Governor Johnson was entirely too heart-searching for such recently made "loyal men." The protest, however, lacked two important elements, and proved more than it was designed to prove, namely: the general air throughout of good, loyal men with any great amount of affection for the United States, and the absence of a dictatorial and domineering spirit scarcely the thing from men deserting a sinking cause.

To the President this protest was presented on the 15th of October. Mr. Lincoln hardly received the deputation bearing it with courtesy; in fact, got out of humor, asked them how long they and the New York politicians were engaged on the protest, and told them he meant to let McClellan and his friends carry their side of the contest as best they could without any interference from him. He did afterwards, however, make the following reply, which was printed, and which was accompanied by Governor Johnson's proclamation and the full protest:—

"EXECUTIVE MANSION, WASHINGTON, D. C., }
"October 22, 1864.

"GENTLEMEN,—On the 15th day of this month, as I remember, a printed paper, with a few manuscript interlineations, called a protest, with your names appended thereto, and accompanied by another printed paper purporting to be a proclamation by Andrew Johnson, Military Governor of Tennessee, and also a manuscript paper

purporting to be extracts from the Code of Tennessee, were laid before me.

“The protest, proclamation, and extracts are respectively as follows:

[The protest, the proclamation of Governor Johnson of September 30th, a list of the counties in East, Middle, and West Tennessee, and extracts from the Code, are here recited.]

“At the time these papers were presented, as before stated, I had never seen either of them, nor heard of the subject to which they relate, except in a general way, one day previously.

“Up to the present moment nothing whatever upon the subject has passed between Governor Johnson, or any one else connected with the proclamation, and myself.

“Since receiving the papers, as I stated, I have given the subject such brief consideration as I have been able to do, in the midst of so many pressing public duties.

“My conclusion is, that I have nothing to do with the matter, either to sustain the plan as the convention and Governor Johnson have initiated it, or to revoke or modify it as you demand.

“By the Constitution and laws, the President is charged with no duty in the Presidential elections in any State, nor do I in this case perceive any military reason for his interference in the matter.

“The movement set on foot by the convention and Governor Johnson does not, as seems to be assumed by you, emanate from the National Executive.

“In no proper sense can it be considered other than an independent movement of, at least, a portion of the loyal people of Tennessee.

“I do not perceive in the plan any menace or violence or coercion toward any one.

“Governor Johnson, like any other loyal citizen of Tennessee, has the right to favor any political plan he

chooses; and, as Military Governor, it is his duty to keep the peace among and for the loyal people of the State.

"I can not discern that by this plan he purposes any more. But you object to the plan.

"Leaving it alone will be your perfect security against it. It is not proposed to force you into it.

"Do as you please, on your own account, peaceably and loyally, and Governor Johnson will not molest you, but will protect you against violence as far as in his power.

"I presume that the conducting of a Presidential election in Tennessee, in strict accordance with the old Code of the State, is not now a possibility.

"It is scarcely necessary to add, that if any election shall be held and any votes shall be cast in the State of Tennessee for President and Vice-President of the United States, it will not belong to the military agents, nor yet to the Executive Department, but exclusively to another department of the Government, to determine whether they are entitled to be counted in conformity with the Constitution and laws of the United States.

"Except it be to give protection against violence, I decline to interfere in any way with any Presidential election.

ABRAHAM LINCOLN."

And so Governor Johnson was sustained, and, of course, the McClellan electors withdrew from the field. Perhaps the President took the right course; in any event, it was then of little importance. Mr. Lincoln probably deemed his confidence in and respect for the judgment and character of Andrew Johnson as of more real importance, when any step Tennessee should then take would involve matters of doubt. The great battle of reconstruction was to be fought farther on. While it was certain that all or most rebels would have voted for McClellan,

there was, possibly, little less reason for their not having the opportunity to do so in Tennessee than in New England or Indiana.

One important matter, at least, concerning Mr. Johnson's conduct as Military Governor of Tennessee, remains to be reviewed. That is his course toward the "peculiar institution" which had been the root of all the evil. A sufficient exhibit of his former views and course as to slavery has already been given. The weakness of the thread which bound him to this institution has been apparent in his words, and the evident annoyance he felt at seeing the "everlasting negro" dragged into every question before the country. If the war did not give Mr. Johnson the opportunity he desired for unburdening himself of this social and political incubus, he took it as such, and his progress was rapid. Long before the Rebellion was actually begun, Mr. Johnson had said it would end in the destruction of slavery. And at all times he kept this prediction before the people. While he did not heartily support the President's Emancipation Proclamation, did not believe in it perhaps, he had no conflict with it as a war measure. He thought the Rebellion would kill slavery, without proclamations.

At Columbus, Ohio, in March, 1863, he said, in the course of his speech, that if slavery stood in the way the Government must ride it down. The South was responsible for the war, and to it must be attributed the overthrow of slavery. Those who objected to the President's plan were not patriots.

The Emancipation Proclamation was used merely as a means of keeping up partisan conflict. Those who were for the Government were patriots, and those who were not were traitors. In a speech at Nashville, in the summer of the same year, he said :—

“This is the people’s Government ; they received it as a legacy from Heaven ; and they must defend and preserve it, if it is to be preserved at all. I am for this Government above all earthly possessions, and if it perish I do not want to survive it. I am for it, though slavery should be struck from existence, and Africa swept from the balance of the world. I believe, indeed, that the Union is the only protection of slavery, its sole guarantee ; but if you persist in forcing this issue of slavery against the Government, I say, in the face of Heaven, Give me my Government and let the negro go !”

When the news of Mr. Johnson’s nomination for the Vice-Presidency reached Nashville, a Union meeting was called June 9, 1864, and in his speech on this occasion, Governor Johnson said, in his usual heated manner, substantially :—

“He had no impassioned appeal to make to the people in his own behalf. He had not sought the position assigned him by the National Convention. Not a man in all the land can truthfully say that I have asked him to use his influence in my behalf in that body, for the position allotted me, or for any other. On the contrary, I have avoided the candidacy. But while I have not sought it, still, being conferred upon me unsought, I appreciate it the more highly. Being conferred on me without solicitation, I shall not decline it. (Applause.) Come weal or woe, success or defeat, sink or swim, survive or perish, I accept the nomination on principle, be the consequences what they may. I will do what I believe to be my duty.

“I know there are those here who profess to feel a contempt

for me, and I, on the other hand, feel my superiority to them. I have always understood that there is a sort of exclusive aristocracy about Nashville which affects to condemn all who are not within its little circle. Let them enjoy their opinions. I have heard it said that

‘Worth makes the man, and want of it the fellow.’

“This aristocracy has been the bane of the Slave States; nor has the North been wholly free from its curse. It is a class which I have always forced to respect me, for I have ever set it at defiance. The respect of the honest, intelligent, and industrious class I have endeavored to win by my conduct as a man. One of the chief elements of this Rebellion is the opposition of the slave aristocracy to being ruled by men who have risen from the ranks of the people. This aristocracy hated Mr. Lincoln because he was of humble origin, a rail-splitter in early life. One of them, the private secretary of Howell Cobb, said to me one day, after a long conversation: ‘We people of the South will not submit to be governed by a man who has come up from the ranks of the common people, as Abe Lincoln has.’ He uttered the essential feeling and spirit of this Southern Rebellion. Now it has just occurred to me, if this aristocracy is so violently opposed to being governed by Mr. Lincoln, what in the name of conscience will it do with Lincoln and Johnson? (Great laughter.) I reject with scorn this whole idea of an arrogant aristocracy.

“I believe that man is capable of self-government, irrespective of outward circumstances, and whether he be a laborer, a shoemaker, a tailor, or grocer. The question is whether a man is capable of self-government. I hold with Jefferson that government was made for the convenience of man, and not man for the government; that laws and constitutions were designed as mere instruments to promote his welfare. And hence from this principle I conclude that governments can and ought to be changed and amended to conform to the wants, to the requirements and progress of the people, and the enlightened spirit of the age. (Loud applause.) Now, if any of you secessionists have lost faith in man’s capability of self-government, and feel unfit for the exercise of this great right, go straight to rebeldom,

take Jeff Davis, Beauregard, and Bragg for your masters, and put their collars on your necks.

"And here let me say, that now is the time to recur to these fundamental principles. While the land is rent with anarchy and upheaved with the throes of a mighty revolution; while society is in this disordered state, and we are seeking security, let us fix the foundations of the Government on principles of eternal justice, which will endure for all time.

"There is an element in our midst who are for perpetuating the institution of slavery. Let me say to you, Tennesseans and men from the Northern States, that slavery is dead. It was not murdered by me. I told you long ago what the result would be if you endeavored to go out of the Union to save slavery, and that the result would be bloodshed, rapine, devastated fields, plundered villages and cities; and therefore I urged you to remain in the Union. In trying to save slavery you killed it, and lost your own freedom. Your slavery is dead, but I did not murder it. As Macbeth said to Banquo's bloody ghost:—

'Never shake thy gory locks at me:
Thou canst not say I did it.'

"Slavery is dead, and you must pardon me if I do not mourn over its dead body; you can bury it out of sight. In restoring the State, leave out that disturbing and dangerous element, and use only those parts of the machinery which will move in harmony.

"Now, in regard to emancipation, I want to say to the blacks that liberty means liberty to work and enjoy the fruits of your labor. Idleness is not freedom. I desire that all men shall have a fair start and an equal chance in the race of life, and let him succeed who has the most merit. This, I think, is a principle of Heaven. I am for emancipation for two reasons: first, because it is right in itself; and second, because in the emancipation of the slaves, we break down an odious and dangerous aristocracy. I think that we are freeing more whites than blacks in Tennessee.

"I want to see slavery broken up, and when its barriers are thrown down, I want to see industrious, thrifty immigrants pouring in from all parts of the country. Come on! We need

your labor, your skill, your capital. We want your enterprise and invention, so that hereafter Tennessee may rank with New England in the arts and mechanics, and that when we visit the Patent-office at Washington, where the ingenious mechanics of the Free States have placed their models, we need not blush that Tennessee can show nothing but a mouse-trap, or something of about as much importance. Come on! We greet you with a hearty welcome to the soil of Tennessee. Here is soil the most fertile in every agricultural product; a delightful and healthy climate; forests, water-power, and mines of inexhaustible richness; come and help us to redeem Tennessee, and make her a powerful and flourishing State!

“But in calling a convention to restore the State, who shall restore and re-establish it? Shall it be the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of reorganization? Shall he who brought this misery upon the State be permitted to control its destinies? If this be so, then all this precious blood of our brave soldiers and officers, so freely poured out, will have been wantonly spilled. All the glorious victories won by our noble armies will go for naught, and all the battle-fields which have been sown with dead heroes during this Rebellion, will have been made memorable in vain. Why all this carnage and devastation? It was that treason might be put down and traitors punished. Therefore I say that traitors should take a back seat in the work of restoration. If there be but five thousand men in Tennessee loyal to the Constitution, loyal to freedom, loyal to justice, these true and faithful men should control the work of reorganization and reformation absolutely. (Loud and prolonged applause.) I say that the traitor has ceased to be a citizen, and in joining the Rebellion has become a public enemy. He forfeited his right to vote with loyal men when he renounced his citizenship and sought to destroy our Government. We say to the most honest and industrious foreigner who comes from England or Germany, to dwell among us, and add to the wealth of the country, ‘Before you can be a citizen you must stay here for five years.’ If we are so cautious about foreigners, who voluntarily renounce their homes to live with us, what should we say to the traitor, who, although

born and reared among us, has raised a parricidal hand against the Government which has always protected him? My judgment is that he should be subjected to a severe ordeal before he is restored to citizenship. A fellow who takes the oath merely to save his property, and denies the validity of the oath, is a perjured man and not to be trusted. Before these repenting rebels can be trusted, let them bring forth the fruits of repentance. He who helped to make all these widows and orphans, who drape the streets of Nashville in mourning, should suffer for his great crime. The work is in our own hands; we can destroy this Rebellion. With Grant thundering on the Potomac before Richmond, and Sherman and Thomas on their march towards Atlanta, the day will ere long be ours. Will any madly persist in rebellion? Suppose that an equal number be slain in every battle, it is plain that the result must be the utter extermination of the rebels. Ah! these rebel leaders have a strong personal reason for holding out to save their necks from the halter. And these leaders must feel the power of the Government. Treason must be made odious, and traitors must be punished and impoverished. Their great plantations must be seized and divided into small farms, and sold to honest, industrious men. The day for protecting the lands and negroes of these authors of rebellion is past. It is high time it was."

In a speech at Louisville later, in 1864, Mr. Johnson said:—

"Slavery is a slow, tardy, inactive, inert, and wasteful system of labor. Black labor emancipated in all the Southern States will eventually prove more profitable than it ever was while enslaved. These broad acres have been worked long enough by a few lords and great gangs of slaves."

Here, too, he gave forth these hot, broad, anti-Southern views:—

"Negroes, when freed, have got to work—must work; those who won't work will be subject to vagrant laws or

an apprentice system, till they are educated to the idea that freedom for anybody of color simply means liberty to work and to enjoy the productions of his labor. Let the negro have a fair chance and an equal start in the race of life. The talk about 'nigger equality' is all humbug. I have seen more of it in the South than I have in the North. If the negro, as a free man, can compete with the white, he has a right to compete with him; if, after a fair test, he can't, he must give way to the white. In my opinion, freedom will not make negroes any worse, and will result in their advancement. I am for an aristocracy of labor, of intelligent, stimulating, virtuous labor; of talent, of intellect, of merit; for the elevation of each and every man, white and black, according to his talent and industry."

From "Moore's Sketch and Speeches of Andrew Johnson" is taken the following report, from "The Cincinnati Gazette," of a most remarkable speech made by Mr. Johnson on the 24th of October, 1864, to the negroes in Nashville:—

"I have said the speech of Governor Johnson, delivered to the colored population of Nashville on Monday night, was one of the most remarkable to which it was ever my fortune to listen. The time, the place, the circumstances, the audience, the man, all combined to make a powerful impression upon a spectator's mind.

"The time was the fourth year of the Rebellion, the eve of a great political contest which was to determine for all time whether freedom or slavery in America should be overthrown.

"The place was the proud city of the slaveholders, and immediately in front of the haughty Capitol of Tennessee.

"The circumstances were such as exist only amid the throes and struggles of a mighty revolution.

"The audience were men and women who only three years ago were abject, miserable slaves, for whom there was apparently no future and no hope.

"The man was he who in a few days was certain to be chosen to the second highest office within the gift of the American people.

"And this man, whose views and those of the President, soon to be rechosen, are known to be in exact accord, and who, from the position he holds, represents, more than any other man save Lincoln, the power and majesty of the Republic; this man, standing before that audience of trembling, crouching bondsmen, tore in pieces the last lingering excuse for outrage and wrong; threw from him the dishonored and dishonorable fragments, and, planting himself squarely upon the principles of justice and eternal right, declared that, so far as he was concerned, there should henceforth be no compromise with slavery anywhere; but that the hour had come when worth and merit, without regard to color, should be the standard by which to judge the value of a man.

"Governor Johnson had already commenced speaking when I succeeded in forcing my way through the dense crowd of men and women who surrounded him, and stood within a few feet of him. I have said that he spoke from the steps leading up from the street (Cedar) to the State-house yard. In front the street was filled up by a mass of human beings, so closely compacted together that they seemed to compose one vast body, no part of which could move without moving the whole. The State-house yard itself, and the great stone wall which separates it from the street, were also thronged. Over this vast crowd the torches and transparencies, closely gathered together near the speaker, cast a ruddy glow; and as far as the light extended the crowd could be seen stretching either way up and down the street.

"I had heard cheers and shouts long before I could distinguish the words of the speaker; but when at last I succeeded in getting close to the spot where he stood a dead silence prevailed, unbroken save by the speaker's voice. I listened closely, and these, as far as my memory serves me, were the wonderful words:

"**COLORED MEN OF NASHVILLE,**—You have all heard of the President's Proclamation, by which he announced to the world that the slaves in a large portion of the seceded States

were thenceforth and forever free. For certain reasons which seemed wise to the President the benefits of that Proclamation did not extend to you or to your native State. Many of you, consequently, were left in bondage. The taskmaster's scourge was not yet broken, and the fetters still galled your limbs. Gradually this iniquity has been passing away; but the hour has come when the last vestiges of it must be removed. Consequently I, too, without reference to the President or any other person, have a proclamation to make; and standing here upon the steps of the Capitol, with the past history of the State to witness, the present condition to guide, and its future to encourage me, I, Andrew Johnson, do hereby proclaim freedom, full, broad, and unconditional, to every man in Tennessee!

"It was one of those moments when the speaker seems inspired, and when his audience, catching the inspiration, rises to his level and becomes one with him. Strangely as some of the words of this immortal utterance sounded to those uncultivated ears, I feel convinced that not one of them was misunderstood. With breathless attention those sons of bondage hung upon each syllable; each individual seemed carved in stone until the last word of the grand climax was reached, and then the scene which followed beggars all description. One simultaneous roar of approval and delight burst from three thousand throats. Flags, banners, torches, and transparencies were waved wildly over the throng, or flung aloft in the ecstasy of joy. Drums, fifes, and trumpets added to the uproar, and the mighty tumult of this great mass of human beings rejoicing for their race woke up the slumbering echoes of the Capitol, vibrated through the length and breadth of the city, rolled over the sluggish waters of the Cumberland, and rang out far into the night beyond.

"I am not attempting to repeat the Governor's speech. I had neither note-book nor pencil when I listened to him; and if I had both of them I could not have used them in the midst of that closely wedged crowd. I wish only to *describe* a few of the points in his speech which made the deepest impression on my mind.

"Who has not heard of the great estate of Mack Cockrill,

situated near the city of Nashville; an estate whose acres are numbered by the thousand, whose slaves were once counted by the score? Mack Cockrill being a great slave-owner, was, of course, a leading rebel; and in the very wantonness of wealth, wrung from the sweat and toil and stolen wages of others, gave fabulous sums at the outset of the war to aid Jeff Davis in overturning the Government.

“Who has not heard of the princely estates of General W. D. Harding, who, by means of his property alone, outweighed in influence any other man in Tennessee, no matter what were that other’s worth, or wisdom, or ability. Harding, too, early espoused the cause of treason, and made it his boast that he had contributed, and directly induced others to contribute, millions of dollars in aid of that unholy cause.

“These estates suggested to Governor Johnson one of the most forcible points of his speech:

“‘I am no agrarian,’ said he. ‘I wish to see secured to every man, rich or poor, the fruits of his honest industry, effort, or toil. I want each man to feel that what he has gained by his own skill, or talent, or exertion, is rightfully his, and his alone. But if, through an iniquitous system, a vast amount of wealth has been accumulated in the hands of one man, or a few men, then that result is wrong, and the sooner we can right it the better for all concerned. It is wrong that Mack Cockrill and W. D. Harding, by means of forced and unpaid labor, should have monopolized so large a share of the lands and wealth of Tennessee; and I say if their immense plantations were divided up and parceled out amongst a number of free, industrious, and honest farmers, it would give more good citizens to the Commonwealth, increase the wages of our mechanics, enrich the markets of our city, enliven all the arteries of trade, improve society, and conduce to the greatness and glory of the State.’

“And thus the Governor discussed the profoundest problems of politics and social life in the presence of the despised blacks of Nashville; in their hearing denounced the grasping and bloated monopoly of their masters, and used the overgrown estates of Harding and Cockrill to illustrate his doctrine in the presence of Harding’s and Cockrill’s slaves.

“That portion of the Governor’s speech in which he described and denounced the aristocracy of Nashville I can not hope to render properly; but there was one point which I must not overlook:

“The representatives of this corrupt (and if you will permit me almost to swear a little), this damnable aristocracy, taunt us with our desire to see justice done, and charge us with favoring negro equality. Of all living men they should be the last to mouth that phrase; and even when uttered in their hearing, it should cause their cheeks to tinge and burn with shame. Negro equality, indeed! Why, pass any day along the sidewalks of High Street, where these aristocrats more particularly dwell; these aristocrats whose sons are now in the bands of guerrillas and cut-throats who prowl and rob and murder around our city; pass by their dwellings, I say, and you will see as many mulatto as negro children, the former bearing an unmistakable resemblance to their aristocratic owners!

“Colored men of Tennessee: this, too, shall cease! Your wives and daughters shall no longer be dragged into a concubinage, compared to which polygamy is a virtue, to satisfy the brutal lusts of slaveholders and overseers! Henceforth the sanctity of God’s holy law of marriage shall be respected in your persons, and the great State of Tennessee shall no more give her sanction to your degradation and your shame!”

“‘Thank God! thank God!’ came from the lips of a thousand women, who in their own persons had experienced the hellish iniquity of the man-seller’s code. ‘Thank God!’ fervently echoed the fathers, husbands, brothers of these women.

“‘And if the law protects you in the possession of your wives and children; if the law shields those whom you hold dear from the unlawful grasp of lust, will you endeavor to be true to yourselves, and shun, as it were death itself, the path of lewdness, crime, and vice?’

“‘We will! we will!’ cried the assembled thousands; and joining in a sublime and tearful enthusiasm another mighty shout went up to heaven.

“‘Looking at this vast crowd of colored people,’ continued the Governor, ‘and reflecting through what a storm of persecution and obloquy they are compelled to pass, I am almost

induced to wish that, as in the days of old, a Moses might arise who should lead them safely to their promised land of freedom and happiness.'

" 'You are our Moses,' shouted several voices, and the exclamation was caught up and cheered until the Capitol rung again.

" 'God,' continued the speaker, 'no doubt has prepared somewhere an instrument for the great work he designs to perform in behalf of this outraged people, and in due time your leader will come forth; your Moses will be revealed to you.'

" 'We want no Moses but you,' again shouted the crowd.

" 'Well, then,' replied the speaker, 'humble and unworthy as I am, if no other better shall be found, I will indeed be your Moses, and lead you through the Red Sea of war and bondage to a fairer future of liberty and peace. I speak now as one who feels the world his country, and all who love equal rights his friends. I speak, too, as a citizen of Tennessee. I am here on my own soil; and here I mean to stay and fight this great battle of truth and justice to a triumphant end. Rebellion and slavery shall, by God's good help, no longer pollute our State.

" 'Loyal men, whether white or black, shall alone control her destinies; and when this strife in which we are all engaged is past, I trust, I know, we shall have a better state of things, and shall all rejoice that honest labor reaps the fruit of its own industry, and that every man has a fair chance in the race of life.'

" It is impossible to describe the enthusiasm which followed these words. Joy beamed in every countenance. Tears and laughter followed each other in quick succession. The great throng moved and swayed back and forth in the intensity of emotion, and shout after shout rent the air.

" A man might have exchanged an ordinary immortality to have made such a speech to such an audience, and been much the gainer. It was a speech significant of one of the loftiest positions to which mankind, struggling upward toward universal freedom, has as yet attained.

" The great Tribune descended from the steps of the Capitol. As if by magic the dense throng parted to let him through.

And all that night long his name was mingled with the curses and execrations of the traitor and oppressor, and with the blessings of the oppressed and poor."

In the main Mr. Johnson's career as Military Governor of Tennessee is not remembered to his credit in that State, especially at Nashville. The vigor of his course is still fresh in the minds of hundreds who had occasion to feel the authority he was always ready to exercise. It is claimed that his private and social habits during this period were extremely reprehensible; that he preferred bad whisky and low society to good; and that he was notably wicked and perverse. But it is difficult to get a clean, trustworthy view of Andrew Johnson, as Military Governor, in Nashville, to-day. The past has already become dim, excepting where the trials of the time burnt themselves places in passions that survive. With the aristocratic, who were mainly rebels, Governor Johnson really associated but little at this or any period of his life. From principle he did not feel at home among them. With a great passion for being regarded as the champion of "the people," he showed a constant tendency to appear and act like them. Thus his motives and character were constantly exposed to partial and extreme judgments. He was a man of powerful, despotic will, but it sometimes led him astray, and was not always able to keep him from falling. At his best he was not good. His severity was not without apology, and above what was and is called his moral turpitude, his official integrity stands without reproach.

Many of his apparently severe judgments and exactions were really distinguished for their justice, as they always were for the cool and determined purpose that carried them out to the letter.

About his assessments on the wealthy rebels there is a diversity of opinion in Nashville to-day, of course, and some go so far as to accuse him of appropriating the money thus obtained to the use of his friends. But this charge is unjust and slanderous, and rests on nothing more than unreliable passion. No charge against his official, financial integrity, at this or any other period of his career, can be sustained. While acting as Military Governor of Tennessee his situation presented great temptations for acquiring a fortune. The privileges given him by the Administration were immense, but it is absolutely certain that he took no advantage of them. The Government was greatly the gainer by his official honesty.

CHAPTER VII.

PRESIDENTIAL CONVENTION OF 1864 — MR. JOHNSON FOR
THE VICE-PRESIDENCY—THE ELECTION.

ON Tuesday morning, June 8, 1864, the Republican or National Union Convention met in Baltimore to nominate candidates for the Presidency and Vice-Presidency, or really to renominate Mr. Lincoln for the Presidency, and some War Democrat for the Vice-Presidency.

The Republicans now found themselves in an unfortunate dilemma from which there seemed to be no escape, or from which it did not appear even desirable to try to escape. A very large portion of the Democratic party had come with heart and strength to its aid in fighting against the Rebellion and in support of the Government, and now this loyal War Democracy was not to be ignored. Many leading Democrats had come out from among the disloyal in their broken party, and had worked with unwavering purpose for the success of the national cause; and these men were not to be passed unnoticed. In fact, to a great extent, among patriots everywhere, party lines were ignored and the struggle had become a common one. Even the name Republican seemed discourteous and unsuited to the occasion, and to designate the spirit which ruled the hour and the

diverse elements here joined in the political contest, that of Union National, or National Union, or Union and Republican was largely or generally adopted. This necessity was destined subsequently to give rise to many bitter feelings and acts, which would have been avoided by the renomination of Mr. Hamlin, or a straight Republican ticket. It will be seen hereafter how the Republican leaders lost sight of the real character of this fusion when they came to expect and demand everything from the Democrat whom they had elected to be Vice-President, and who, beyond all their dreams, became President.

One of the first things which came before the convention was the question of admitting delegations from Tennessee, Louisiana, and Arkansas. Congress had decided against any of the States engaged in the Rebellion taking part in national affairs until they were fully restored in their relations to the General Government under some plan of reconstruction. But the general theory of the Republicans had always been that all the schemes, acts, ordinances, etc., of secession were in themselves null and without effect on the Union or the relation of the States in any way, and this was President Lincoln's view. This was the correct view, and well would it have been for the country if it had been more strictly carried out. On the strength of the resolution of Congress on this point an effort was made to shut out the delegations from the three States here mentioned, but this was not successful. They were admitted equally with other States as voters in the convention. This

course very materially changed the prospects as to the selection of a candidate for the second place on the ticket. In the delegation from Tennessee was the noted Parson W. G. Brownlow. The following account of the nomination for Vice-President is taken from "The Life and Public Services of Andrew Johnson," by John Savage, a work written immediately after Mr. Johnson entered upon the Presidency:—

"Many judicious men believed that the wisest course would be to renominate Mr. Hamlin; but this it was perceived by others would be to ignore entirely the claims of that very large body of Democrats who had discarded their party obligations in the presence of a national peril, and had sustained the Administration in the prosecution of the war. Others looked to the policy of conceding this nomination to the army, and sought among its officers for a suitable candidate. The delegates from Tennessee and Louisiana thought the border States ought to be considered, but as their first anxiety was to secure the admission of those States into the convention, which had been most vehemently resisted by Mr. Stevens, of Pennsylvania, and others, at the very outset, they deemed it wise to postpone the presentation of any claims of this kind. By general consent it seemed after a little time to be conceded that the State of New York might nominate the candidate for Vice-President, and that her choice would be the choice of the convention; and this concession seemed to have been prompted, in a large degree, by the belief that New York would present her own son, Daniel S. Dickinson, whose devotion to the country during the war had wiped out all hostile memory of his previous political course, and who was regarded as unquestionably the strongest candidate for the Vice-Presidency by the members of the convention at large.

“At the first meeting of the New York delegation on the 6th of June, the subject was canvassed in a cursory manner and an informal ballot was taken merely to ascertain the preferences of individual members. This ballot gave 28 votes for Hamlin, 16 for Dickinson, 6 for Tremain, and 8 for Andrew Johnson. Of these the six votes given to Tremain were actually Dickinson votes, as were also a part of those given for Johnson. The meeting then adjourned to the next morning, and the outside canvass became animated; the friends of Mr. Dickinson being especially zealous and resolute, and none opposing him on any other grounds than those of expediency. It was generally understood by the members of the convention that there was a sharp difference of opinion in the New York delegation, and this knowledge strengthened their purpose to await the action of that State.

“The meeting in the morning was opened by a careful, eloquent, and effective speech of half an hour by Hon. Lyman Tremain in favor of the nomination of Mr. Dickinson. Mr. Tremain urged with great force the claims of the War Democracy to this nomination, insisting that it would be most unjust as well as unwise to disregard the sacrifices of political feeling and of party ties which they had made, and declaring that, as he had never been a Republican, he should feel that he had no place in this organization if both candidates should be selected from the Republican party. He then presented Mr. Dickinson as the candidate of the War Democrats, setting forth in very graphic and impressive words, the noble and patriotic manner in which Mr. Dickinson had broken away from the Democratic party when it became disloyal, and the political sacrifices he had thus made for the good of the country. He spoke warmly, also, of his eloquent appeals to the patriotism of the country during the war and of the eminent services he had thus rendered the Government in the suppression of the Rebellion; and he closed by

presenting him to the delegates of his own State and by urging them by every consideration of State pride and of personal admiration to make him their candidate before the convention.

“Hon. H. J. Raymond, who was also one of the delegates at large from the State, following Mr. Tremain, began by acquiescing in everything he had said of the claims of the War Democrats to the gratitude of the country and the kindest and most favorable consideration of the convention. He recognized fully the patriotism which had led them to discard all mere party ties and to take that action which had contributed so largely to the prosecution of the war. He concurred also in everything that had been said of Mr. Dickinson in the convention; he knew his worth and appreciated fully his eminent services in the national cause. But he thought we should do injustice to ourselves and to the War Democracy of the whole Union if we restricted our acknowledgments to our own State. Much as Mr. Dickinson had suffered and done in the cause of the Nation, there were other Democrats who had done and suffered more. Highly as Mr. Raymond appreciated the labors of distinguished men in the North who had thrown their weight into the loyal scale, he believed that the salvation of the country would be due, primarily and mainly, to those noble hearts in the border States who had not only discarded every party tie, but who had thrown to the winds all the prejudices of the section in which they lived, all the teachings of their childhood, all the pride of State Rights, all their interests in slavery, everything which might be supposed to have most weight with men in their condition, and had suffered in the Union, in their property, their families, and their persons, to a degree of which we in the Northern States could form but a faint conception. After some further remarks in the same direction, Mr. Raymond nominated Andrew Johnson as a War Democrat and as the man to whom, more than to

any other one person not in the Government or in the army, the country was indebted for aid in putting down the Rebellion, and as one who by his course in the Senate and in every public station he had been called to fill had proved his claim to public confidence and favor.

“Hon. Preston King made a few remarks mainly upon the impolicy of selecting a candidate from the State of New York, since any selection that might be made would lead inevitably, in consequence of the peculiar relations of political parties, to discontent in one quarter or another. It was well known, he said, that there was a very large body of former Democrats in that State who, though acting now cordially and zealously with Mr. Dickinson, could not forget that they left the Democratic party long before he did, and that his course toward them for many years had not been calculated to conciliate their favor or support. He thought therefore that it would be wiser to select the candidate from some other State. Hon. C. B. Cochrane, who had first voted for Mr. Hamlin, next followed in warm advocacy of Mr. Dickinson, with whom politically he said he had never acted, but for whose ability and patriotism he had the most profound respect. Mr. George W. Curtis, one of the secretaries of the delegation, made an eloquent and effective appeal on the same side, said that from the turn the debate had taken and the persons who had shared in the discussion, it was very evident that the main reason which led a large portion of the delegates to oppose Mr. Dickinson’s nomination was the certainty that it would render necessary Mr. Seward’s withdrawal from the Cabinet, as two such posts could not be given to one State; and he thought it quite time that the real motive of their opposition to Mr. Dickinson should be understood. Mr. Raymond replied that he could only regard this as a virtual declaration that Mr. Dickinson must be nominated *for the purpose* of ejecting Mr. Seward from the Cabinet; and while he should very gladly assent to any

change in the Cabinet which the good of the country might require, he protested against such an attempt to use Mr. Dickinson as an instrument for degrading Mr. Seward.

"This led to disavowals of any such purpose, and to a conversational though very animated discussion, after which a formal ballot was taken, which resulted in giving Dickinson, 29; Johnson, 30; Hamlin, 7; Holt, 1; but before it was announced two more votes were given to Johnson, so that it finally stood, Johnson, 32; Dickinson, 29; Hamlin, 6.

"Upon Mr. Raymond's motion, it was then resolved that the vote just taken should be announced in convention as the vote of New York on the first ballot; and the delegation then adjourned, to meet at the call of the chairman, Hon. John A. King.

"After the adjournment the outside canvass became very animated, Mr. Dickinson's New York friends being determined to overrule the action of the delegation, and to make him the candidate. At one time it seemed almost certain that he would be the nominee, and various names of new men were suggested by different delegations. This led to a consultation among some of the New York supporters of Mr. Johnson, who were further embarrassed by the fact that the delegation from Tennessee had not yet been admitted to the Convention, and the friends of Mr. Dickinson were resolute in their purpose to exclude all the border States, as having properly no representatives of the Union party. Hon. Horace Maynard, who was one of the delegates from Tennessee, was active and very influential in pressing the claims of his State to admission, and it was resolved by the delegates from New York, who had voted for Mr. Johnson, to insist upon the admission of Tennessee, and to stand by Johnson as their candidate.

"At the opening of the session of the Convention, the Committee on Credentials reported against the admission

of delegates from Tennessee, in conformity with the views presented by Hon. Thad. Stevens, of Pennsylvania, at the opening of the Convention. Hon. Preston King alone, of the committee, dissented from this conclusion, and made a minority report, which, with remarkable courage and skillful management, he pressed upon the action of the Convention. The vote was taken amidst great confusion, and at one time Mr. King's motion to admit Tennessee was lost; but before any result was declared the struggle was renewed, and the result was described, with substantial accuracy as to the facts, though in a very unfair tone, in the "New York Tribune" of the next day, which said:

"On the admission of Tennessee, she was rejected by decided and increasing majorities, until New York gave her forty-four votes. The secesh applause was tremendous and instantly infectious. Ohio voted forty-two, and right off eight States that had voted nay caved in and changed their votes."

"The delegates from Tennessee were thus admitted, and renewed with activity and zeal their canvass for Mr. Johnson. After the adoption of the platform, and the nomination of Mr. Lincoln for President, the ballot for Vice-President was called. Some of the New York delegates called for a new canvass of the delegation, but under the resolution of the previous day this was declined, and the vote of New York announced as, 32 for Johnson, 29 for Dickinson, 6 for Hamlin. The aggregate vote of the Convention gave Johnson, 200; Hamlin, 145; Dickinson, 113; but before it was declared Hon. S. Cameron, after consultation with Mr. Raymond, of the New York delegation, and with the assent of his own, announced that Pennsylvania, which had voted for Hamlin, would now cast her vote for Johnson. Other States at once followed the example, and the nomination was finally made unanimous."

The contest had really been between the two Democrats, and the border State sentiment prevailed. When all the delegations had changed, and been finally recorded, the vote stood, 492 for Johnson, 17 for Daniel S. Dickinson, and 9 for Mr. Hamlin. The nomination of Mr. Johnson was quite generally received with satisfaction by the Union people of the country, by the supporters of the war, and perhaps nobody was better pleased than President Lincoln. The following is Mr. Johnson's letter of acceptance:—

“NASHVILLE, TENN., July 2, 1864.

“HON. WILLIAM DENNISON, Chairman, and others, Committee of the National Union Convention.

“GENTLEMEN,—Your communication of the 9th ult., informing me of my nomination for the Vice-Presidency of the United States, by the National Convention held at Baltimore, and inclosing a copy of the resolutions adopted by that body, was not received until the 25th ult.

“A reply on my part had been previously made to the action of the Convention in presenting my name, in a speech delivered in this city on the evening succeeding the day of the adjournment of the Convention, in which I indicated my acceptance of the distinguished honor conferred by that body, and defined the grounds upon which that acceptance was based, substantially saying what I now have to say. From the comments made upon that speech by the various presses of the country, to which my attention has been directed, I considered it to be regarded as a full acceptance. In view, however, of the desire expressed in your communication, I will more fully allude to a few points that have been heretofore presented.

“My opinions on the leading questions at present agitating and distracting the public mind, and especially in

reference to the rebellion now being waged against the Government and authority of the United States, I presume, are generally understood. Before the Southern people assumed a belligerent attitude (and repeatedly since), I took occasion most frankly to declare the views I then entertained in relation to the wicked purposes of the Southern politicians. They have since undergone but little, if any, change. Time and subsequent events have rather confirmed than diminished my confidence in their correctness.

"At the beginning of this great struggle, I entertained the same opinion of it I do now, and in my place in the Senate I denounced it as treason, worthy of the punishment of death, and warned the Government and people of the impending danger. But my voice was not heard nor council heeded until it was too late to avert the storm. It still continued to gather over us without molestation from the authorities at Washington, until at length it broke with all its fury upon the country. And now, if we would save the Government from being overwhelmed by it, we must meet it in the true spirit of patriotism, and bring the traitors to the punishment due their crime, and *by force of arms* crush out and subdue the last vestige of rebel authority in every State. I felt then as now, that the destruction of the Government was deliberately determined upon by wicked and designing conspirators, whose lives and fortunes were pledged to carry it out, and that no compromise, short of an unconditional recognition of the independence of the Southern States, could have been, or could now be, proposed, which they would accept. The clamor for "Southern rights," as the rebel journals were pleased to designate their rally cry, was not to secure their assumed rights in the Union and under the Constitution, but to disrupt the Government, and establish an independent organization, based upon slavery, which they could at all times control.

“The separation of the Government has for years past been the cherished purpose of the Southern leaders. Baffled in 1832 by the stern, patriotic heroism of Andrew Jackson, they sullenly acquiesced, only to mature their diabolical schemes, and await the recurrence of a more favorable opportunity to execute them. Then the pretext was the tariff, and Jackson, after foiling their schemes of nullification and disunion, with prophetic perspicacity, warned the country against the renewal of their efforts to dismember the Government.

“In a letter dated May 1, 1833, to the Rev. A. J. Crawford, after demonstrating the heartless insincerity of the Southern nullifiers, he said: ‘Therefore the tariff was only a pretext, and disunion and a Southern Confederacy the real object. The next pretext will be the negro or slavery question.’

“Time has fully verified this prediction, and we have now not only ‘the negro or slavery question’ as the pretext, but the real cause of the Rebellion, and both must go down together. It is vain to attempt to reconstruct the Union with the distracting element of slavery in it. Experience has demonstrated its incompatibility with free and republican governments, and it would be unwise and unjust longer to continue it as one of the institutions of the country. While it remained subordinate to the Constitution and laws of the United States, I yielded to it my support; but when it became rebellious, and attempted to rise above the Government, and control its action, I threw my humble influence against it.

“The authority of the Government is supreme, and will admit of no rivalry. No institution can rise above it, whether it be slavery or any other organized power. In our happy form of Government all must be subordinate to the will of the people, when reflected through the Constitution and laws made pursuant thereto, State or Federal. This great principle lies at the foundation of every gov-

ernment, and can not be disregarded without the destruction of the government itself. In the support and practice of correct principles we can never reach wrong results; and by rigorously adhering to this great fundamental truth the end will be the preservation of the Union and the overthrow of an institution which has made war upon, and attempted the destruction of, the Government itself.

“The mode by which this great change—the emancipation of the slave—can be effected, is properly found in the power to amend the Constitution of the United States. This plan is effectual, and of no doubtful authority; and while it does not contravene the timely exercise of the war power by the President in his Emancipation Proclamation, it comes stamped with the authority of the people themselves, acting in accordance with the written rule of the supreme law of the land, and must therefore give more general satisfaction and quietude to the distracted public mind.

“By recurring to the principles contained in the resolutions so unanimously adopted by the convention, I find that they substantially accord with my public acts and opinions heretofore made known and expressed, and are therefore most cordially indorsed and approved; and the nomination having been conferred without any solicitation on my part, is, with the greater pleasure, accepted.

“In accepting the nomination, I might here close, but I can not forego the opportunity of saying to my old friends of the Democratic party proper, with whom I have so long and pleasantly been associated, that the hour has now come when that great party can justly vindicate its devotion to true democratic policy and measures of expediency. The war is a war of great principles; it involves the supremacy and life of the Government itself. If the Rebellion triumphs, free government—North and South—fails. If, on the other hand, the Government is

him the assassin of State Rights, and said if nominated he would be beaten at the polls, as he was at Antietam. Harris was only silenced by Carrigan, of Pennsylvania, raising the point of order that the gentleman having said that he would not vote for* McClellan, if nominated, he had no right to take part in the convention. General Morgan, of Ohio, eulogized McClellan; Alexander Long assailed him. The balloting commenced on the third day. First ballot: McClellan, 162; scattering, 64. The different delegations then changed votes until they stood, McClellan, $202\frac{1}{2}$; Seymour, $23\frac{1}{2}$. In calling the roll of States, Ohio refused to vote when first called on. Afterwards Senator Allen arose and announced $8\frac{1}{2}$ votes for McClellan, $10\frac{1}{2}$ for Thomas H. Seymour, 2 for Horatio Seymour. Nearly every other State that had voted against McClellan had changed in his favor, and the galleries called loudly upon Ohio to change. Finally they yielded to the pressure, and changed the vote 15 for McClellan, and 6 for Seymour of Connecticut. The balloting for Vice-President resulted in the nomination of Hon. George H. Pendleton, who was unanimously nominated on the second ballot. The other candidates were James H. Guthrie, D. W. Voorhees, George W. Cass, Governor Powell, and John L. Phelps. The campaign of 1864 was conducted on the 'cohesive power of public plunder,' which the astute and logical John C. Calhoun described as the bond of union among the elements of his time. John Randolph said there were seven party principles, to wit: 'the five loaves and two fishes.' Upon these principles the party hoped for success in 1864. The Platform that the Democracy adopted in 1864 had one merit—it was short. It had but six planks, and contrasted favorably with the Platforms of both Baltimore and Cleveland. The Baltimore Platform had eleven planks, the Cleveland fourteen. Both the Baltimore and Chicago Platforms sustained the integrity of the Union. The Democratic Platform said nothing

about slavery; the Baltimore Platform put it forward as an issue. The Chicago Platform condemns arbitrary arrests; the Baltimore approves them. Both thank the brave soldiers. The Baltimore Platform wants a change in the Cabinet; the Chicago,* in the whole Administration. The Republicans who, for a second term, nominated Lincoln at Baltimore, refused peace except on the unconditional surrender of rebels; while the Democrats, who nominated McClellan, offered a cessation of hostilities and a Convention of States with a view to peace, as a basis of reunion. Perhaps the most noticeable feature of the convention was the defeat of Fernando Wood, Vallandigham, and the peace men. They bitterly opposed McClellan at the outset, and tried to concentrate on Tom Seymour, of Connecticut, but not having the strength, Vallandigham unanimously secured the nomination of McClellan."

The following are the Platforms of the two parties :—

REPUBLICAN, AT BALTIMORE, JUNE.

"*Resolved*, That it is the highest duty of every American citizen to maintain against all their enemies the integrity of the Union and the paramount authority of the Constitution and laws of the United States; and that, laying aside all differences of political opinions, we pledge ourselves, as Union men, animated by a common sentiment, and aiming at a common object, to do everything in our power to aid the Government in quelling, by force of arms, the Rebellion now raging against its authority, and in bringing to the punishment due to their crimes the rebels and traitors arrayed against it.

"2. That we approve the determination of the Government of the United States not to compromise with rebels, or to offer them any terms of peace, except such as may be based upon an unconditional surrender of their hostility and a return to their just allegiance to the Con-

stitution and laws of the United States; and that we call upon the Government to maintain this position, and to prosecute the war with the utmost possible vigor to the complete suppression of the Rebellion, in full reliance upon the self-sacrificing patriotism, the heroic valor, and the undying devotion of the American people to the country and its free institutions.

“3. That as slavery was the cause, and now constitutes the strength, of this Rebellion, and as it must be always and everywhere hostile to the principles of republican government, justice and the national safety demand its utter and complete extirpation from the soil of the Republic; and that while we uphold and maintain the acts and proclamations by which the Government, in its own defense, has aimed a death-blow at this gigantic evil, we are in favor, furthermore, of such an amendment to the Constitution, to be made by the people in conformity with its provisions, as shall terminate and forever prohibit the existence of slavery within the limits of the jurisdiction of the United States.

“4. That the thanks of the American people are due to the soldiers and sailors of the army and navy, who have periled their lives in defense of their country and in vindication of the honor of its flag; that the nation owes to them some permanent recognition of their patriotism and their valor, and ample and permanent provision for those of their survivors who have received disabling and honorable wounds in the service of the country; and that the memories of those who have fallen in its defense shall be held in grateful and everlasting remembrance.

“5. That we approve and applaud the practical wisdom, the unselfish patriotism, and the unswerving fidelity to the Constitution and the principles of American liberty, with which Abraham Lincoln has discharged, under circumstances of unparalleled difficulty, the great duties and responsibilities of the Presidential office; that we approve

and indorse, as demanded by the emergency and essential to the preservation of the nation and as within the provisions of the Constitution, the measures and acts which he has adopted to defend the nation against its open and secret foes; that we approve especially the Proclamation of Emancipation, and the employment as Union soldiers of men heretofore held in slavery; and that we have full confidence in his determination to carry these and all other Constitutional measures essential to the salvation of the country into full and complete effect.

“6. That we deem it essential to the general welfare that harmony should prevail in the national councils, and we regard as worthy of public confidence and official trust those only who cordially indorse the principles proclaimed in these resolutions, and which should characterize the administration of the Government.

“7. That the Government owes to all men employed in its armies, without regard to distinction of color, the full protection of the laws of war; and that any violation of these laws, or of the usages of civilized nations in time of war by the rebels now in arms, should be made the subject of prompt and full redress.

“8. That foreign immigration, which in the past has added so much to the wealth, development of resources, and increase of power to the nation—the asylum of the oppressed of all nations—should be fostered and encouraged by a liberal and just policy.

“9. That we are in favor of the speedy construction of the railroad to the Pacific coast.

“10. That the national faith, pledged for the redemption of the public debt, must be kept inviolate, and that for this purpose we recommend economy and rigid responsibility in the public expenditures, and a vigorous and just system of taxation; and that it is the duty of every loyal State to sustain the credit and promote the use of the national currency.

"11. That we approve the position taken by the Government, that the people of the United States can never regard with indifference the attempt of any European power to overthrow by force, or to supplant by fraud, the institutions of any republican government on the Western Continent; and that they will view with extreme jealousy, as menacing to the peace and independence of their own country, the efforts of any such power to obtain new footholds for monarchical governments, sustained by foreign military force, in near proximity to the United States."

DEMOCRATIC, AT CHICAGO, AUGUST.

"*Resolved*, That in the future, as in the past, we will adhere with unswerving fidelity to the Union under the Constitution as the only solid foundation of our strength, security, and happiness as a people, and as a framework of government equally conducive to the welfare and prosperity of all the States, both Northern and Southern.

"*Resolved*, That this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity or war-power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal Union of the States.

"*Resolved*, That the direct interference of the military authorities of the United States in the recent elections held in Kentucky, Maryland, Missouri, and Delaware, was a shameful violation of the Constitution, and a repetition of

such acts in the approaching election will be held as revolutionary, and resisted with all the means and power under our control.

“Resolved, That the aim and object of the Democratic party is to preserve the Federal Union and the rights of the States unimpaired, and they hereby declare that they consider that the Administrative usurpation of extraordinary and dangerous powers not granted by the Constitution; the subversion of the civil by military law in States not in insurrection; the arbitrary military arrest, imprisonment, trial, and sentence of American citizens in States where civil law exists in full force; the suppression of freedom of speech and of the press; the denial of the right of asylum; the open and avowed disregard of State Rights; the employment of unusual test-oaths; and the interference with and denial of the right of the people to bear arms in their defense, is calculated to prevent a restoration of the Union and the perpetuation of a Government deriving its just powers from the consent of the governed.

“Resolved, That the shameful disregard of the Administration to its duty in respect to our fellow-citizens who now are and long have been prisoners of war in a suffering condition deserves the severest reprobation on the score alike of public policy and common humanity.

“Resolved, That the sympathy of the Democratic party is heartily and earnestly extended to the soldiery of our army and sailors of our navy, who are and have been in the field and on the sea under the flag of our country, and, in the event of its attaining power, they will receive all the care, protection, and regard that the brave soldiers and sailors of the Republic so nobly earned.”

Although the “Peace Democracy” fought with desperation, this contest was notably one-sided, the majority against McClellan being even beyond the

most sanguine calculations of his opponents, the popular vote standing : Lincoln and Johnson, 2,216,067; McClellan and Pendleton, 1,808,725, giving a majority on the Union ticket of 407,342 votes. Eleven States did not vote, or their votes were not counted, and among these were Tennessee, Arkansas, and Louisiana. Of all the States voting only Delaware, Kentucky, and New Jersey gave majorities for McClellan.

The House of Representatives had passed the following joint resolution :—

“WHEREAS, The inhabitants and local authorities of the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, rebelled against the Government of the United States, and have continued in a State of armed rebellion for more than three years, and were in said state of armed rebellion on the 8th day of November, 1864; therefore,

“*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the States mentioned in the preamble to this joint resolution are not entitled to representation in the electoral college for the choice of President and Vice-President of the United States for the term of office commencing on the 4th day of March, 1865; and no electoral vote shall be received or counted from said States concerning the choice of President and Vice-President for said term of office.*”

Early in January, 1865, this matter came up in the Senate and a strong attempt was made to strike out Louisiana in the preamble, admitting her electoral vote. This led to a futile discussion of the status

of the rebellious States, their election laws, etc., and to the display of folly and lack of wisdom by incompetent and captious Senators. The proposition to admit into the electoral count Louisiana or any of the so-called seceded States was, however, very properly rejected, and the joint resolution, with slight needless amendments in phraseology, was passed by the Senate on the 4th of February. The House concurred in the amendment, and the President, in very strange and doubtful language, approved it, and at five minutes past one o'clock on Wednesday, February 8, 1865, the Senate entered the Hall of the House, and Congress in joint session, Vice-President Hamlin presiding, proceeded to open and count the electoral votes. After all that had happened another foolish effort was here made to count the votes of some of the States in rebellion. The Vice-President finally made the following announcement:—

“The tellers report that the whole number of votes cast for President and Vice-President of the United States is 233; necessary to a choice, 117. For President of the United States, the tellers report that Abraham Lincoln, of Illinois, has received 212 votes; George B. McClellan, of New Jersey, has received 21 votes. For Vice-President of the United States, the tellers announce that Andrew Johnson, of Tennessee, has received 212 votes, and George H. Pendleton, of Ohio, has received 21 votes:

“Wherefore, I do declare that Abraham Lincoln, of the State of Illinois, having received a majority of the whole number of electoral votes, is duly elected President of the United States for four years commencing on the 4th day of March, 1865; and that Andrew Johnson, of the State of Tennessee, having received a majority of the whole

number of electoral votes for Vice-President of the United States, is duly elected Vice-President of the United States for four years commencing on the 4th day of March, 1865."

Nevada had three votes, but only two of them were cast. The States voting, with their electoral votes, were as follows : Maine, 7; New Hampshire, 5; Massachusetts, 12; Rhode Island and Providence Plantations, 4; Connecticut, 6; Vermont, 5; New York, 33; New Jersey, 7; Pennsylvania, 26; Delaware, 3; Maryland, 7; Kentucky, 11; Ohio, 21; Indiana, 13; Illinois, 16; Missouri, 11; Michigan, 8; Wisconsin, 8; Iowa, 8; California, 5; Minnesota, 4; Oregon, 3; Kansas, 3; West Virginia, 5; Nevada, 2; Total, 233.

CHAPTER VIII.

THE SHORT VICE-PRESIDENCY—THE PRESIDENT'S CHAIR AGAIN EMPTY—ANDREW JOHNSON BECOMES THE HEAD OF THE GOVERNMENT—PATRIOTIC HANDS UPHOLD HIM—AN AUSPICIOUS BEGINNING.

ON the 4th of March, 1865, Mr. Johnson appeared in the Senate Chamber at the appointed hour, delivered the following address, and took the oath of office as Vice-President of the United States:—

“SENATORS,—I am here to-day as the chosen Vice-President of the United States; and as such, by Constitutional provision, I am made the presiding officer of this body. I therefore present myself here in obedience to the high behests of the American people to discharge a Constitutional duty, and not presumptuously to thrust myself in a position so exalted. May I at this moment—it may not be irrelevant to the occasion—advert to the workings of our institutions under the Constitution which our fathers framed and Washington approved, as exhibited by the position in which I stand before the American Senate, in the sight of the American people? Deem me not vain or arrogant; yet I should be less than man if, under such circumstances, I were not proud of being an American citizen; for to-day one who claims no high descent, one who comes from the ranks of the people, stands, by the choice of a free constituency, in the second place of this Government. There may be those to whom such

things are not pleasing; but those who have labored for the consummation of a free Government will appreciate and cherish institutions which exclude none, however obscure his origin, from places of trust and distinction. The people, in short, are the source of all power. You, Senators, you who constitute the bench of the Supreme Court of the United States, are but the creatures of the American people; your exaltation is from them; the power of this Government consists in its nearness and approximation to the great mass of the people. You, Mr. Secretary Seward, Mr. Secretary Stanton, the Secretary of the Navy, and the others who are your associates, you know that you have my respect and my confidence, derive not your greatness and your power alone from President Lincoln. Humble as I am, plebeian as I may be deemed, permit me, in the presence of this brilliant assemblage, to enunciate the truth that courts and cabinets, the President and his advisers, derive their power and their greatness from the people. A President could not exist here forty-eight hours if he were as far removed from the people as the autocrat of Russia is separated from his subjects. Here the popular heart sustains President and Cabinet officers; the popular will gives them all their strength. Such an assertion of the great principles of this Government may be considered out of place, and I will not consume the time of these intelligent and enlightened people much longer; but I could not be insensible to these great truths when I, a plebeian, elected by the people the Vice-President of the United States, am here to enter upon the discharge of my duties. For those duties I claim not the aptitude of my respected predecessor. Although I have occupied a seat in both the House of Representatives and the Senate, I am not learned in parliamentary law, and I shall be dependent on the courtesy of those Senators who have become familiar with the rules which are requisite for the good order of the body and the dispatch of its

business. I have only studied how I may best advance the interests of my State and of my country, and not the technical rules of order; and if I err I shall appeal to this dignified body of Representatives of States for kindness and indulgence.

“Before I conclude this brief inaugural address in the presence of this audience—and I, though a plebeian boy, am authorized by the principles of the Government under which I live to feel proudly conscious that I am a man, and grave dignitaries are but men—before the Supreme Court, the representatives of foreign governments, Senators, and the people, I desire to proclaim that Tennessee, whose Representative I have been, is free. She has bent the tyrant’s rod; she has broken the yoke of slavery, and to-day she stands redeemed. She waited not for the exercise of power by Congress; it was her own act, and she is now as loyal, Mr. Attorney-General, as is the State from which you came. It is the doctrine of the Federal Constitution that no State can go out of this Union; and moreover Congress can not reject a State from this Union. Thank God, Tennessee has never been out of the Union! It is true the operations of her government were for a time interrupted; there was an interregnum; but she is still in the Union, and I am her Representative. This day she elects her Governor and her Legislature, which will be convened on the first Monday of April; and again her Senators and Representatives will soon mingle with those of her sister States; and who shall gainsay it? for the Constitution requires that to every State shall be guaranteed a republican form of government.

“I now am prepared to take the oath of office, and renew my allegiance to the Constitution of the United States.”

This is the most undignified and remarkable address ever delivered on such an occasion in this

country, and richly deserved the ridicule and censure it received. The new Vice-President was greatly burdened with the idea of his having been a "plebeian boy," of his rising from a condition so low to such significance, and his feelings toward the great free country which made such results possible, were gushing and uncontrollable. But this was a characteristic of the Nation, always had been, nobody controverted it, and this unseemly display of it on such an occasion was a just cause of shame to an intelligent people. The charge made against Mr. Johnson of being under the influence of whisky at the time of his inauguration as Vice-President may be sustained, perhaps, by the character of this address. It was wholly beneath the range of his abilities, and what was reasonably to be expected of him. Many of his eulogists were utterly confounded, and signs of regret were numerous. But none of these dreamed of the event which was so soon to elevate Mr. Johnson, this man of strong and untrained passions, still higher. Yet there was no doubt of his patriotism, or his want of power to stand by his former record.

On the 3d of April, after the announcement in Washington of the fall of Richmond, Mr. Johnson made these remarks to a large assembly of the rejoicing people:—

"As I have been introduced I will make one or two remarks; for I feel that no one would be justified in attempting to make an address on such an occasion, when the excitement is justly at so great a height.

“We are now, my friends, winding up a rebellion, a great effort that has been made by bad men to overthrow the Government of the United States—a Government founded upon free principles, and cemented by the best blood of the Revolution. You must indulge me in making one single remark in connection with myself. At the time that the traitors in the Senate of the United States plotted against the Government and entered into a conspiracy more foul, more execrable, and more odious than that of Cataline against the Romans, I happened to be a member of that body, and as to loyalty, stood solitary and alone among the Senators from the Southern States.

“I was then and there called upon to know what I would do with such traitors, and I want to repeat my reply here. I said, if we had an Andrew Jackson he would hang them as high as Haman; but as he is no more, and sleeps in his grave in his own beloved State, where traitors and treason have even insulted his tomb and the very earth that covers his remains, humble as I am, when you ask me what I would do, my reply is, I would arrest them, I would try them, I would convict them, and I would hang them.

“As humble as I am and have been, I have pursued but one undeviating course. All that I have—life, limb, and property—have been put at the disposal of the country in this great struggle. I have been in camp, I have been in the field, I have been everywhere where this great Rebellion was; I have pursued it until I believe I can now see its termination. Since the world began, there never has been a rebellion of such gigantic proportions, so infamous in character, so diabolical in motive, so entirely disregarding of the laws of civilized war. It has introduced the most savage mode of warfare ever practiced upon the earth.

“I will repeat here a remark for which I have been in no small degree censured. What is it, allow me to ask,

that has sustained the Nation in this great struggle? The cry has been, you know, that our Government was not strong enough for a time of rebellion; that in such a time she would have to contend against internal weakness as well as internal foes. We have now given the world evidence that such is not the fact; and when the Rebellion shall have been crushed out, and the Nation shall once again have settled down in peace, our Government will rest upon a more enduring basis than ever before.

“But, my friends, in what has the great strength of this Government consisted? Has it been in one-man power? Has it been in some autocrat, or in some one man who held absolute government? No! I thank God I have it in my power to proclaim the great truth, that this Government has derived its strength from the American people. They have issued the edict; they have exercised the power that has resulted in the overthrow of the Rebellion, and there is not another government upon the face of the earth that could have withstood the shock.

“We can now congratulate ourselves that we possess the strongest, the freest, and the best Government the world ever saw. Thank God that we have lived through this trial, and that, looking in your intelligent faces here to-day, I can announce to you the great fact that Petersburg, the outpost to the strong citadel, has been occupied by our brave and gallant officers and our untiring, invincible soldiers. And not content with that, they have captured the citadel itself, the stronghold of traitors. Richmond is ours, and is now occupied by the forces of the United States! Her gates have been entered, and the glorious Stars and Stripes, the emblem of the Union, of power, and of supremacy, now float over the enemy’s capitol!

“In the language of another, let that old flag rise higher and higher, until it meets the sun in his coming, and let the parting day linger to play upon its ample folds.

It is the flag of your country, it is your flag, it is my flag, and it bids defiance to all the nations of the earth, and the encroachments of all the powers combined. It is not my intention to make any imprudent remarks or allusions, but the hour will come when those nations that exhibited toward us such insolence and improper interference in the midst of our adversity, and, as they supposed, of our weakness, will learn that this is a Government of the people, possessing power enough to make itself felt and respected.

“In the midst of our rejoicing we must not forget to drop a tear for those gallant fellows who have shed their blood that their Government must triumph. We can not forget them when we view the many bloody battle-fields of the war, the new-made graves, our maimed friends and relatives, who have left their limbs, as it were, on the enemy's soil, and others who have been consigned to their long narrow houses, with no winding-sheet save their blankets saturated with their blood.

“One word more, and I have done. It is this: I am in favor of leniency; but, in my opinion, evil-doers should be punished. Treason is the highest crime known in the catalogue of crimes, and for him that is guilty of it—for him that is willing to lift his impious hand against the authority of the Nation—I would say death is too easy a punishment. My notion is that treason must be made odious, and traitors must be punished and impoverished, their social power broken, that they must be made to feel the penalty of their crime. You, my friends, have traitors in your very midst, and treason needs rebuke and punishment here as well as elsewhere. It is not the men in the field who are the greatest traitors. It is the men who have encouraged them to imperil their lives, while they themselves have remained at home, expending their means and exerting all their power to overthrow the Government. Hence I say this: ‘The halter to intelligent,

influential traitors.' But to the honest boy, to the deluded man who has been deceived into the rebel ranks, I would extend leniency; I would say, Return to your allegiance, renew your support to the Government, and become a good citizen; but the leaders I would hang. I hold, too, that wealthy traitors should be made to remunerate those men who have suffered as a consequence of their crime—Union men who have lost their property, who have been driven from their homes, beggars and wanderers among strangers. It is well to talk about these things here to-day, in addressing the well-informed persons who compose this audience. You can, to a very great extent, aid in molding public opinion, and in giving it a proper direction. Let us commence the work. We have put down these traitors in arms, let us put them down in law, in public judgment, and in the morals of the world."

This speech indicates well enough that Mr. Johnson had not recovered, and never would, perhaps, recover from the spirit which controlled his tongue on the 4th of March. Its extravagance was unsuited to his station, and it did certainly lay the foundation for a faith which was destined to be blighted. These loud pretensions, which seemed to foreshadow a line of policy, were deceptive. They were not sustained by Mr. Johnson's course as President, it was claimed; and his cry that "treason must be made odious and traitors must be punished," became a weapon against him when he failed to come up to his former practices, and the demands of the majority of those who thought they had a right to shape his policy.

The death of Mr. Lincoln had scarcely been

announced to the world when the Attorney-General, James Speed, waited upon Vice-President Johnson, who had spent a great part of the night with the stricken President, and put in his hands the following communication:—

“WASHINGTON CITY, April 15, 1865.

“ANDREW JOHNSON, Vice-President of the United States:—

“SIR,—Abraham Lincoln, President of the United States, was shot by an assassin last evening at Ford’s Theater, in this city, and died at the hour of twenty-two minutes after seven o’clock. About the same time at which the President was shot, an assassin entered the sick chamber of Hon. W. H. Seward, Secretary of State, and stabbed him in several places in the throat, neck, and face, severely, if not mortally, wounding him. Other members of the Secretary’s family were dangerously wounded by the assassin, while making his escape.

“By the death of President Lincoln, the office of President has devolved, under the Constitution, upon you. The emergency of the Government demands that you should immediately qualify according to the requirements of the Constitution, and enter upon the duties of President of the United States. If you will please make known your pleasure, such arrangements as you deem proper will be made. Your obedient servants,

“HUGH McCULLOCH, Secretary of the Treasury.

“EDWIN M. STANTON, Secretary of War.

“GIDEON WELLES, Secretary of the Navy.

“WILLIAM DENNISON, Postmaster-General.

“J. P. USHER, Secretary of the Interior.

“JAMES SPEED, Attorney-General.”

According to Mr. Johnson’s desire, at ten o’clock on that same Saturday, in his quarters at the Kirkwood House, the Chief-Justice, Salmon P. Chase,

appeared, and after some delay, administered to him this oath: "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

This oath may be contrasted with that provided in Governor Johnson's proclamation for the voters of Tennessee. At this ceremony were the following persons: S. P. Chase, Hugh McCulloch, James Speed, Montgomery Blair, F. P. Blair, Sen., Senator Foote, of Vermont; Senator Hale, of New Hampshire; Senator Yates, of Illinois; Senator Stewart, of Nevada; Senator Ramsey, of Minnesota; J. F. Farnsworth, of Illinois; and, perhaps, a few others.

After taking the oath, Mr. Johnson said:—

"GENTLEMEN,—I must be permitted to say that I have been almost overwhelmed by the announcement of the sad event which has so recently occurred. I feel incompetent to perform duties so important and responsible as those which have been so unexpectedly thrown upon me. As to an indication of any policy which may be pursued by me in the administration of the Government, I have to say, that that must be left for development as the administration progresses. The message or declaration must be made by the acts as they transpire. The only assurance that I can now give of the future, is by reference to the past. The course which I have taken in the past, in connection with this Rebellion, must be regarded as a guarantee of the future. My past public life, which has been long and laborious, has been founded, as I in good conscience believe, upon a great principle of right, which lies at the basis of all things. The best energies of my

life have been spent in endeavoring to establish and perpetuate the principles of free government, and I believe that the Government, in passing through its present trials, will settle down upon principles consonant with popular rights more permanent and enduring than heretofore. I must be permitted to say, if I understand the feelings of my own heart, I have long labored to ameliorate and alleviate the condition of the great mass of the American people. Toil, and an honest advocacy of the great principles of free government, have been my lot. The duties have been mine, the consequences are God's. This has been the foundation of my political creed. I feel that in the end the Government will triumph, and that these great principles will be permanently established.

"In conclusion, gentlemen, let me say that I want your encouragement and countenance. I shall ask and rely upon you and others in carrying the Government through its present perils. I feel, in making this request, that it will be heartily responded to by you, and all other patriots and lovers of the rights and interests of a free people."

In the Treasury building, on the day of Mr. Lincoln's death, President Johnson held his first Cabinet meeting. He invited all the members of Mr. Lincoln's Cabinet to remain with him in their places, it being understood that Senator James Harlan, of Iowa, would soon, according to previous arrangements, take the place of Mr. Usher at the head of the Interior Department.

There were, perhaps, no reasons why Mr. Johnson should not retain the Cabinet of his predecessor, and there were some good reasons why he should do so. His course in this respect was in harmony

with the expectations and desires of the loyal people, the supporters of Mr. Lincoln's Administration and those who were to be supporters of his, as was reasonably supposed. Still he was under no fixed or understood obligations to retain Mr. Lincoln's counselors. His action could only have been based on the popular expectation, and his desire not to fall below it. He had, necessarily, no grounds of objection, perhaps, to Mr. Lincoln's Cabinet, just as it stood. He had no objection to the theory that it was dangerous to swap horses while crossing a stream, and he knew that as nearly as he could conform to that theory, at such a time, the closer would be his relation to the people. For his conduct in this whole matter he certainly deserved the praise he received. He had been placed on the ticket with Mr. Lincoln, not as a Republican, but as a War Democrat. That was well understood, and should be kept in mind now. He accepted the nomination as a National Union man, and asked his Democratic associates of former times to range themselves with him in vindicating their claims to true Democratic principles. But while this is true, there was no conflict between him, as a War Democrat, and the Administration of Mr. Lincoln. And when he entered upon the Presidency there were not the remotest grounds for believing that he was not in perfect harmony with the members of Mr. Lincoln's Cabinet and the public sentiment they represented, or that he would deviate from the general policy of his predecessor. His former course justified the

highest expectations of the men who had been fighting for the Union without modifying conditions. There was even a feeling of security, if not relief, in the supposition that a more determined and exacting nature had been substituted for the mild and forgiving Lincoln. If the nation was to have a day of vengeance, its affairs had fallen into the right hands. So many believed and feared, both North and South.

See, in a few pages, what the President says for himself. On the 18th of April, in a long reply to a speech of Governor Oglesby, of Illinois, in behalf of a strong delegation from that State, offering him sympathy and support, Mr. Johnson said :—

“GENTLEMEN,—I have listened with profound emotion to the kind words you have addressed to me. The visit of this large delegation to speak to me through you, sir, these words of encouragement, I had not anticipated. In the midst of the saddening circumstances which surround us, and the immense responsibility thrown upon me, an expression of the confidence of individuals, and still more of an influential body like that before me, representing a great commonwealth, cheers and strengthens my heavily burdened mind. I am at a loss for words to respond. In an hour like this, of deepest sorrow, were it possible to embody in words the feelings of my bosom, I could not command my lips to utter them. Perhaps the best reply I could make, and the one most readily appropriate to your kind assurances of confidence, would be to receive them in silence. (Sensation.) The throbbings of my heart since the sad catastrophe which has appalled us can not be reduced to words; and, oppressed as I am with the new and great responsibility which has devolved upon me, and saddened with grief, I can with difficulty respond to you at all. But I can not permit such expression of the confidence reposed in me by the people to pass without acknowledgment. To an individual like

myself, who has never claimed much, but who has, it is true, received from a generous people many marks of trust and honor for a long time, an occasion like this and a manifestation of public feeling so well-timed are peculiarly acceptable. Sprung from the people myself, every pulsation of the popular heart finds an immediate answer in my own. By many men in public life such occasions are often considered merely formal. To me they are real. Your words of countenance and encouragement sank deep in my heart, and were I even a coward I could not but gather from them strength to carry out my convictions of right. Thus feeling, I shall enter upon the discharge of my great duty firmly, steadfastly (applause), if not with the signal ability exhibited by my predecessor, which is still fresh in our sorrowing minds. Need I repeat that no heart feels more sensibly than mine this great affliction. In what I say on this occasion I shall indulge in no petty spirit of anger, no feeling of revenge. But we have beheld a notable event in the history of mankind. In the midst of the American people, where every citizen is taught to obey law and observe the rules of Christian conduct, our Chief Magistrate, the beloved of all hearts, has been assassinated; and when we trace this crime to its cause, when we remember the source whence the assassin drew his inspiration, and then look at the result, we stand yet more astounded at this most barbarous, most diabolical assassination. Such a crime as the murder of a great and good man, honored and revered, the beloved and the hope of the people, springs not alone from a solitary individual of ever so desperate wickedness. We can trace its cause through successive steps, without my enumerating them here, back to that source which is the spring of all our woes. No one can say that if the perpetrator of this fiendish deed be arrested, he should not undergo the extremest penalty the law knows for crime; none will say that mercy should interpose. But is he alone guilty? Here, gentlemen, you perhaps expect me to present some indication of my future policy. One thing I will say. Every era teaches its lesson. The times we live in are not without instruction. The American people must be taught, if they do not already feel, that treason is a crime and must be punished (applause); that the Government will not always bear with its enemies; that it

is strong not only to protect, but to punish. (Applause.) When we turn to the criminal code and examine the catalogue of crimes, we there find arson laid down as a crime with its appropriate penalty; we find there theft and robbery and murder given as crimes; and there, too, we find the last and highest of crimes—treason. (Applause.) With other and inferior offenses our people are familiar. But in our peaceful history treason has been almost unknown. The people must understand that it is the blackest of crimes, and will be surely punished. (Applause.) I make this allusion not to excite the already exasperated feelings of the public, but to point out the principles of public justice which should guide our action at this particular juncture, and which accord with sound public morals. Let it be engraven on every heart that treason is a crime, and traitors shall suffer its penalty. (Applause.) While we are appalled, overwhelmed, at the fall of one man in our midst by the hand of a traitor, shall we allow men, I care not by what weapons, to attempt the life of a State with impunity? While we strain our minds to comprehend the enormity of this assassination, shall we allow the Nation to be assassinated? (Applause.) I speak in no spirit of unkindness. I leave the events of the future to be disposed of as they arise, regarding myself as the humble instrument of the American people. In this, as in all things, justice and judgment shall be determined by them. I do not harbor bitter or revengeful feelings towards any. In general terms I would say that public morals and public opinion should be established upon the sure and inflexible principles of justice. (Applause.) When the question of exercising mercy comes before me it will be considered calmly, judicially, remembering that I am the Executive of the Nation. I know men love to have their names spoken of in connection with acts of mercy; and how easy it is to yield to this impulse! But we must not forget that what may be mercy to the individual is cruelty to the State. (Applause.) In the exercise of mercy there should be no doubt left that this high prerogative is not used to relieve a few at the expense of the many. Be assured that I shall never forget that I am not to consult my own feelings alone, but to give an account to the whole people. (Applause.) In regard to my future course, I

will now make no professions, no pledges. I have been connected somewhat actively with public affairs, and to the history of my past public acts, which is familiar to you, I refer for those principles which have governed me heretofore, and will guide me hereafter. In general, I will say I have long labored for the amelioration and elevation of the great mass of mankind. My opinions as to the nature of popular government have long been cherished; and, constituted as I am, it is now too late in life for me to change them. I believe that government was made for man, not man for government. (Applause.) This struggle of the people against the most gigantic rebellion the world ever saw has demonstrated that the attachment of the people to their Government is the strongest national defense human wisdom can devise. (Applause.) So long as each man feels that the interests of the Government are his interests, so long as the public heart turns in the right direction, and the people understand and appreciate the theory of our Government and love liberty, our Constitution will be transmitted unimpaired. If the time ever comes when the people shall fail, the Government will fail, and we shall cease to be one of the nations of the earth. After having preserved our form of free government, and shown its power to maintain its existence through the vicissitudes of nearly a century, it may be that it was necessary for us to pass through this last ordeal of intestine strife to prove that this Government will not perish from internal weakness, but will stand to defend itself against all foes and punish treason. (Applause.) In the dealings of an inscrutable Providence and by the operation of the Constitution, I have been thrown unexpectedly into this position. My past life, especially my course during the present unholy Rebellion, is before you. I have no principles to retract; I defy any one to point to any of my public acts at variance with the fixed principles which have guided me through life. I have no professions to offer; professions and promises would be worth nothing at this time. No one can foresee the circumstances that will hereafter arise. Had any man gifted with prescience four years ago uttered and written down in advance the events of this period, they would have seemed more marvelous than anything in the 'Arabian Nights.' I shall not attempt to anticipate the

future. As events occur, and it becomes necessary for me to act, I shall dispose of each as it arises, deferring any declaration or message until it can be written paragraph by paragraph in the light of events as they transpire."

Later in the month a considerable body of Southern Union men, most of them known as refugees, called on the President, who was thus addressed by Mr. Underwood, of Virginia, in their behalf:—

"MR. PRESIDENT,—The gentlemen who come with me to pay their respects to the Chief Magistrate of the Nation are for the most part exiles from the South; exiles for their devotion to the Union and the Constitution, in defiance of threats and persecution of the slaveholding aristocracy. Your recent utterances have stirred our spirits like the sound of a trumpet, and encouraged the hope that we may ere long in safety visit our desolated farms, and rebuild our houses in the sunny South. We have no feelings but those of kindness for the common people of our section, even for those who, by physical or moral compulsion, or by gross deception, have been arrayed in arms against the Government. We would not say with Joshua of old, 'Every one who rebels shall be put to death;' but woe to wicked leaders who, though baffled, are neither humbled nor subdued; whose arrogance and treason are as dangerous to us and to the country as ever! We thank you for declaring that these great criminals must be punished. The Great Author of nature and providence decrees that those who sow the wind shall reap the whirlwind. We know that we can not go home in safety while traitors, whose hands are still dripping with the warm blood of our martyred brothers, remain defiant and unpunished. It is folly to give sugar-plums to tigers and hyenas. It is more than folly to talk of clemency and mercy to these worse than Catalines, for clemency and mercy to them is cruelty and murder to the innocent and unborn. If General Jackson had punished the treason of Calhoun we should not have witnessed this Rebellion. If the guilty leaders of this Rebellion shall be properly punished our children's children will not be compelled to look upon another like it for generations. By the blood of our martyred

President, by the agonies of our starved and mutilated prisoners, by the tens of thousands slain in battle, and the desolations of home and country, and all the waste of life and treasure for the last four years, with no feelings of revenge, but in sincerest sorrow, we pray that your Administration may be both a terror to evil-doers and a protection to all who pursue the paths of peace. And while we mourn and lament our great and good and murdered chief, too kind and too indulgent, we fear, for these stormy times, we thank God for the belief that, knowing the character of the leaders of the Rebellion as you do, you will so deal with them that our whole country will be an asylum for the oppressed of every creed and every clime; the home of peace, freedom, industry, education, and religion; a light and an example to the nations of the whole earth, down a long, bright, beneficent future."

To this energetic speech Mr. Johnson replied:—

"It is hardly necessary for me on this occasion to say that my sympathies and impulses in connection with this nefarious Rebellion beat in unison with yours. Those who have passed through this bitter ordeal, and who participated in it to a great extent, are more competent, as I think, to judge and determine the true policy which should be pursued. (Applause.)

"I have but little to say on this question in response to what has been said. It enunciates and expresses my own feelings to the fullest extent; and in much better language than I can at the present moment summon to my aid. The most that I can say is that, entering upon the duties that have devolved upon me under circumstances that are perilous and responsible, and being thrown into the position I now occupy unexpectedly, in consequence of the sad event, the heinous assassination which has taken place; in view of all that is before me and the circumstances that surround me, I can not but feel that your encouragement and kindness are peculiarly acceptable and appropriate. I do not think you who have been familiar with my course, you who are from the South, deem it necessary for me to make any professions as to the future on this occasion, nor to express what my course will be upon questions that may arise. If my past life is no indication of what my future will

be, my professions were both worthless and empty; and in returning you my sincere thanks for this encouragement and sympathy, I can only reiterate what I have said before, and, in part, what has just been read.

“As far as clemency and mercy are concerned, and the proper exercise of the pardoning power, I think I understand the nature and character of the latter. In the exercise of clemency and mercy, that pardoning power should be exercised with caution. I do not give utterance to my opinions on this point in any spirit of revenge or unkind feelings. Mercy and clemency have been pretty large ingredients in my composition, having been the Executive of a State, and thereby placed in a position in which it was necessary to exercise clemency and mercy. I have been charged with going too far, being too lenient, and have become satisfied that mercy without justice is a crime; and that when mercy and clemency are exercised by the Executive, it should always be done in view of justice, and in that manner alone is properly exercised that great prerogative.

“The time has come, as you who have had to drink this bitter cup are fully aware, when the American people should be made to understand the true nature of crime. Of crime generally our people have a high understanding, as well as of the necessity for its punishment; but in the catalogue of crimes there is one, and that the highest known to the laws and the Constitution, of which, since the days of Jefferson and Aaron Burr, they have become oblivious. That is treason. Indeed, one who has become distinguished in treason and in this Rebellion said that ‘when traitors become numerous enough, treason becomes respectable, and to become a traitor was to constitute a portion of the aristocracy of the country.’ God protect the people against such an aristocracy! Yes, the time has come when the people should be taught to understand the length and breadth, the depth and height, of treason. An individual occupying the highest position among us was lifted to that position by the free offering of the American people—the highest position on the habitable globe. This man we have seen, revered, and loved; one who, if he erred at all, erred ever on the side of clemency and mercy. That man we have

seen treason strike through a fitting instrument, and we have beheld him fall, like a bright star falling from its sphere.

“Now, there is none but would say, if the question came up, What should be done with the individual who assassinated the Chief Magistrate of the Nation? he is but a man—one man, after all; but if asked, What should be done with the assassin? what should be the penalty, the forfeit exacted? I know what response dwells in every bosom. It is, That he should pay the forfeit with his life. And hence we see there are times when mercy and clemency without justice become a crime. The one should temper the other, and bring about that proper means. And if we should say this when the case was the simple murder of one man by his fellow-man, what should we say when asked, What should be done with him, or them, or those who have raised impious hands to take away the life of a Nation composed of thirty millions of people? What would be the reply to that question? But while in mercy we remember justice, in the language that has been uttered I say, Justice toward the leaders, the conscious leaders; but I also say, Amnesty, conciliation, clemency, and mercy to the thousands of our countrymen whom you and I know have been deceived or driven into this infernal Rebellion.

“And so I return to where I started from, and again repeat that it is time our people were taught to know that treason is a crime, not a mere political difference, not a mere contest between two parties, in which one succeeded and the other has simply failed. They must know it is treason; for if they had succeeded, the life of the Nation would have been reft from it; the Union would have been destroyed. Surely the Constitution sufficiently defines treason. It consists in levying war against the United States, and in giving their enemies aid and comfort. With this definition it requires the exercise of no great acumen to ascertain who are traitors. It requires no great perception to tell who have levied war against the United States; nor does it require any great stretch of reasoning to ascertain who has given aid to the enemies of the United States. And when the Government of the United States does ascertain who are the conscious and intelligent traitors, the penalty and the forfeit should be paid. (Applause.)

“I know how to appreciate the condition of being driven from one’s home. I can sympathize with him whose all has been taken from him; with him who has been denied the place that gave his children birth. But let us, withal, in the restoration of true Government, proceed temperately and dispassionately; and hope and pray that the time will come, as I believe, when all can return and remain at our homes, and treason and traitors be driven from our land (applause); when again law and order shall reign, and the banner of our country be unfurled over every inch of territory within the area of the United States. (Applause.)

“In conclusion, let me thank you most profoundly for this encouragement and manifestation of your regard and respect; and assure you that I can give no greater assurance regarding the settlement of this question than that I intend to discharge my duty, and in that way which shall, in the earliest possible hour, bring back peace to our distracted country. And I hope the time is not far distant when our people can all return to their homes and firesides, and resume their various avocations.”

A few days later the President said, in a speech to a delegation to him from Indiana:—

“As my honorable friend, Governor Morton, knows, I long since took the ground that this Government was sent upon a great mission among the nations of the earth; that it had a great work to perform, and that, in starting it, it was started in perpetuity. Look back for one single moment to the Articles of Confederation, and then come down to 1787, when the Constitution was formed. What do you find? That we, ‘the people of the United States, in order to form a more perfect government,’ etc. Provision is made for the admission of new States, to be added to the old ones embraced within the Union. Now turn to the Constitution, we find that amendments may be made by a recommendation of two-thirds of the members of Congress, if ratified by three-fourths of the States. Provision is made for the admission of new States; no provision is made for the secession of old ones. The instrument was made to be good in perpetuity; and you can take hold of

it, not to break up the Government, but to go on perfecting it more and more as it runs down the stream of time. We find the Government composed of integral parts. An individual is an integer, and a State itself is an integer, and the various States form the Union, which is itself an integer; they all making up the Government of the United States. Now we come to the point of my argument, so far as concerns the perpetuity of the Government. We have seen that the Government is composed of parts, each essential to the whole, and the whole essential to each part. Now, if an individual (part of a State) declare war against the whole, in violation of the Constitution, he, as a citizen, has violated the law, and is responsible for the act as an individual. There may be more than one individual; it may go on until they become parts of States. Some time the Rebellion may go on increasing in number till the State machinery is overturned, and the country becomes like a man that is paralyzed on one side. But we find in the Constitution a great panacea provided. It provides that the United States (that is, the great integer) shall guarantee to each State (the integers composing the whole) in this Union a republican form of government.

“Yes, if rebellion has been rampant, and set aside the machinery of a State for a time, there stands the great law to remove the paralysis and revitalize it, and put it on its feet again. When we come to understand our system of Government, though it be complex, we see how beautifully one part moves in harmony with another; then we see our Government is to be a perpetuity, there being no provision for pulling it down, the Union being its vitalizing power, imparting life to the whole of the States that move around it like planets around the sun, receiving thence light and heat and motion. Upon this idea of destroying States my position has been heretofore well known, and I see no cause to change it now, and I am glad to hear its reiteration on the present occasion. Some are satisfied with the idea that States are to be lost in territorial and other divisions; are to lose their character as States. But their life-breath has only been suspended; and it is a high Constitutional obligation we have to secure each of these States in the possession and enjoyment of a republican form of govern-

ment. A State may be in the Government with a peculiar institution, and by the operation of rebellion lose that feature; but it was a State when it went into rebellion, and when it comes out without the institution it is still a State. I hold it a solemn obligation in any one of these States, where the rebel armies have been beaten back or expelled, I care not how small the ship of State; I hold it, I say, a high duty to protect and to secure to them a republican form of government. This is no new opinion. It is expressed in conformity with my understanding of the genius and theory of our Government. Then, in adjusting and putting the Government upon its legs again, I think the progress of this work must pass into the hands of its friends. If a State is to be nursed until it again gets strength, it must be nursed by its friends, not smothered by its enemies. Now permit me to remark that while I have opposed dissolution and disintegration on the one hand, on the other I am equally opposed to consolidation or the centralization of power in the hands of a few."

These opinions were received with general favor among the loyal people of the Nation, and the expressions of confidence in the new Executive were almost unbounded, and certainly exceptional. For days and weeks deputations, committees, individuals from the loyal States, from the cities, the country, the business communities, the Churches, gathered around the new President, pouring words of confidence into his ears, and proffering their cordial support. Sad events fed common sympathy; doubt and gloom developed sentiments of earnestness and self-sacrificing; and the President was made to feel that he was upheld by the hearts and hands of a patriotic people. Selected from among scores and hundreds of others of every grade of helpful earnestness and confidence, the following letter from the Governor

of Pennsylvania exhibits the common spirit of the moment:—

“EXECUTIVE CHAMBER, HARRISBURG, PA., April 25, 1865.

“SIR,—I have just returned from reverently attending the remains of our martyred President on their passage through this Commonwealth, and I avail myself of the first moment to assure you that, as Pennsylvania has throughout steadily and effectively sustained the Government in its efforts to crush out the existing Rebellion, so she and her authorities may be relied on to stand heartily by your Administration, and that with an earnestness and vigor enhanced by the just horror which all her people entertain of the base and cowardly assassination to which your predecessor has fallen a victim.

“I know that it is unnecessary to give you this assurance; but looking to the vast responsibilities that have been suddenly cast upon you, it has seemed to me that an express word of hearty encouragement from your friends can not be otherwise than agreeable to you. I should have visited Washington to say this much to you in person; but I am unwilling just at this moment to incur the danger of interfering with the just discharge of your public duties by occupying your time.

“I am, sir, very respectfully, your obedient servant,

“A. G. CURTIN.

“To the PRESIDENT.”

The representatives of foreign nations were also eager to have opportunities for expressing their good wishes to the new Executive, and much of Mr. Johnson's time for several weeks was taken up in receiving and replying to foreign ministers, earnest patriots at home, and friends of the Union throughout the world.

CHAPTER IX.

FIRST ACTS OF THE NEW ADMINISTRATION—BEGINS THE
WORK OF RECONSTRUCTION—AMNESTY
PROCLAMATION.

AS a closing feature of the wonderful funeral ceremonies over the martyred President, Mr. Johnson issued the following proclamation :—

“ WHEREAS, By my direction, the Acting Secretary of State, in a notice to the public on the 17th of April, requested the various religious denominations to assemble on the 19th of April, on the occasion of the obsequies of Abraham Lincoln, late President of the United States, and to observe the same with appropriate ceremonies ; and

“ WHEREAS, Our country has become one great house of mourning, where the head of the family has been taken away ; and believing that a special period should be assigned for again humbling ourselves before Almighty God, in order that the bereavement may be sanctified to the Nation ; now, therefore, in order to mitigate that grief on earth which can only be assuaged by communion with the Father in Heaven, and in compliance with the wishes of Senators and Representatives in Congress communicated to me by a resolution adopted at the National Capital, I, Andrew Johnson, President of the United States, do hereby appoint Thursday, the 25th of May next, to be observed, wherever in the United States the flag of the country may be respected, as a day of humiliation and mourning, and I recommend my fellow-citizens then to assemble in *their* respective places of worship, there to

unite in solemn service to Almighty God, in memory of the good man who has been removed, so that all shall be occupied at the same time in the contemplation of his virtues, and sorrow for his sudden and violent end.

“In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the City of Washington, the 25th day of April, in the year of our Lord, 1865, and of the Independence of the United States of America the eighty-ninth.

“By the President: ANDREW JOHNSON.

“W. HUNTER, Acting Secretary of State.”

The day for this “further humbling” was afterward changed to the 1st of June; and, this matter finally disposed of, the President began to look more directly after the difficult affairs of the country, which were to test his strength more than any or all of the scenes through which he had passed.

One of the first things demanding his care was the reduction of the expenses of the Government on the assumption of the immediate close of the Rebellion, and a general order to that effect was issued from the War Department.

The following documents will sufficiently explain themselves:—

EXECUTIVE ORDER.

“EXECUTIVE CHAMBER, WASHINGTON, }
“Saturday, April 29, 1865. } ”

“Being desirous to relieve all loyal citizens and well-disposed persons residing in the insurrectionary States from unnecessary commercial restrictions, and to encourage them to return to peaceful pursuits, it is hereby ordered:

“*First.* That all restrictions upon internal, domestic, and coastwise commercial intercourse be discontinued in

such parts of the States of Tennessee, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and so much of Louisiana as lies east of the Mississippi River, as shall be embraced within the lines of the national military occupation, excepting only such restrictions as are imposed by the acts of Congress, and regulations in pursuance thereof prescribed by the Secretary of the Treasury and approved by the President; and excepting also from the effect of this order the following articles, contraband of war, to wit: Arms, ammunition, and all articles from which ammunition is manufactured, gray uniforms and cloth, locomotives, cars, railroad iron, and machinery for operating railroads, telegraph wires, insulators, and instruments for operating telegraph lines.

"Second. All existing military and naval orders in any manner restricting internal, domestic, and coastwise commercial intercourse and trade with or in the localities above named, be, and the same are hereby, revoked, and that no military or naval officer in any manner interrupt or interfere with the same, or with any boats or other vessels engaged therein under proper authority pursuant to the regulations of the Secretary of the Treasury.

"ANDREW JOHNSON."

"EXECUTIVE CHAMBER, WASHINGTON CITY, }
" May 1, 1865. }

"WHEREAS, The Attorney-General of the United States hath given his opinion: That the persons implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Honorable William H. Seward, Secretary of State, and in an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors, are subject to the jurisdiction of, and legally triable before, a military commission,

"It is ordered: 1. That the Assistant Adjutant-General detail nine competent military officers to serve as a

commission for the trial of said parties, and that the Judge-Advocate-General proceed to prefer charges against said parties for the alleged offenses, and bring them to trial before said military commission; that said trial or trials be conducted by the said Judge Advocate-General, and, as recorder thereof, in person, aided by such assistant or special judge advocates as he may designate, and that said trials be conducted with all diligence consistent with the ends of justice; the said commission to sit without regard to hours.

"2. That Brevet Major-General Hartranft be assigned to duty as special Provost-Marshal-General for the purposes of said trial and attendance upon said commission, and the execution of its mandates.

"3. That the said commission establish such order or rules of proceeding as may avoid unnecessary delay and conduce to the ends of public justice.

"ANDREW JOHNSON.

"ADJUTANT-GENERAL'S OFFICE, Washington, D. C., May 6, 1865.

"Official Copy.

"W. A. NICHOLS, Assistant Adjutant-General."

"WHEREAS, It appears from evidence in the Bureau of Military Justice that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. W. H. Seward, Secretary of State, were incited, concerted, and procured by and between Jefferson Davis, late of Richmond, Virginia, and Jacob Thompson, Clement C. Clay, Beverly Tucker, George N. Sanders, W. C. Cleary, and other rebels and traitors against the Government of the United States, harbored in Canada; now, therefore, to the end that justice may be done, I, Andrew Johnson, President of the United States, do offer and promise for the arrest of said persons, or either of them within the limits of the United States, so that they can be brought to trial, the following rewards: One hundred thousand dollars for the arrest of Jefferson Davis;

or either of them since the 17th day of April, 1861, shall be deemed and taken as in rebellion against the United States, and shall be dealt with accordingly.

“Second. That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the Department of State, applicable to the geographical limits aforesaid.

“Third. That the Secretary of the Treasury proceed, without delay, to nominate for appointment, assessors of taxes and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and shall put in execution the revenue laws of the United States within the geographical limits aforesaid. In making appointments, the preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable persons shall not be found residents of the district, then persons residing in other States or districts shall be appointed.

“Fourth. That the Postmaster-General shall proceed to establish post-offices and post-routes, and put into execution the postal laws of the United States, within the said State, giving to loyal residents the preference of appointment; but if suitable persons are not found, then to appoint agents, etc., from other States.

“Fifth. That the District Judge of said district proceed to hold courts within said State, in accordance with the provisions of the acts of Congress. The Attorney-General will instruct the proper officers to libel and bring to judgment, confiscation, and sale, property subject to confiscation, and enforce the administration of justice within said State, in all matters, civil and criminal, within the cognizance and jurisdiction of the Federal Courts.

“Sixth. That the Secretary of War assign such Assistant-Provost-Marshal-General, and such Provost-Marshals in each district of said State as he may deem necessary.

sixty-three, and on the 26th day of March, A. D. eighteen hundred and sixty-four, did, with the object to suppress the existing Rebellion, to induce all persons to return to their loyalty, and to restore the authority of the United States, issue proclamations offering amnesty and pardon to certain persons who had directly or by implication participated in the said Rebellion; and

“WHEREAS, Many persons who had so engaged in said Rebellion have since the issuance of said proclamations, failed or neglected to take the benefits offered thereby; and

“WHEREAS, Many persons who have been justly deprived of all claim to amnesty and pardon thereunder, by reason of their participation directly or by implication in said Rebellion, and continued hostility to the Government of the United States since the date of said proclamations, now desire to apply for and obtain amnesty and pardon :

“To the end, therefore, that the authority of the Government of the United States may be restored, and that peace, order, and freedom may be established, I, Andrew Johnson, President of the United States, do proclaim and declare that I hereby grant to all persons who have, directly or indirectly, participated in the existing Rebellion, except as hereinafter excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in cases where legal proceedings under the laws of the United States providing for the confiscation of property of persons engaged in rebellion, have been instituted; but upon the condition, nevertheless, that every such person shall take and subscribe the following oath (or affirmation), and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

“I, ———, do solemnly swear (or affirm), in

presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing Rebellion with reference to the emancipation of slaves. So help me God.'

"The following classes of persons are excepted from the benefits of this Proclamation: 1st. All who are or shall have been pretended civil or diplomatic officers or otherwise domestic or foreign agents of the pretended Confederate Government; 2d. All who left judicial stations under the United States to aid the Rebellion; 3d. All who shall have been military or naval officers of said pretended Confederate Government above the rank of colonel in the army, or lieutenant in the navy; 4th. All who left seats in the Congress of the United States to aid the Rebellion; 5th. All who resigned or tendered resignations of their commissions in the army or navy of the United States, to evade duty in resisting the Rebellion; 6th. All who have engaged in any way in treating otherwise than lawfully as prisoners of war persons found in the United States service as officers, soldiers, seamen, or in other capacities; 7th. All persons who have been or are absentees from the United States for the purpose of aiding the Rebellion; 8th. All military and naval officers in the rebel service, who were educated by the Government in the Military Academy at West Point or the United States Naval Academy; 8th. All persons who held the pretended offices of Governors of States in insurrection against the United States; 10th. All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the so-called Confederate States for the purpose of aiding the Rebellion; 11th. All persons who have been engaged in the destruction of the commerce of the United States upon the high

seas, and all persons who have made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British provinces from the United States; 12th. All persons who at the time when they seek to obtain the benefits hereof by taking the oath herein prescribed are in military, naval, or civil confinement or custody, or under bonds of the civil, military, or naval authorities, or agents of the United States as prisoners of war, or persons detained for offenses of any kind, either before or after conviction; 13th. All persons who have voluntarily participated in said Rebellion, and the estimated value of whose taxable property is over twenty thousand dollars; 14th. All persons who have taken the oath of amnesty as prescribed in the President's Proclamation of December 8th, A. D. 1863, or an oath of allegiance to the Government of the United States since the date of said Proclamation, and who have not thenceforward kept and maintained the same inviolate.

“Provided, That special application may be made to the President for pardon by any person belonging to the excepted classes; and such clemency will be liberally extended as may be consistent with the facts of the case and the peace and dignity of the United States.

“The Secretary of State will establish rules and regulations for administering and recording the said amnesty oath, so as to insure its benefit to the people, and guard the Government against fraud.

“In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

“Done at the City of Washington, the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

“By the President: ANDREW JOHNSON.

“WILLIAM H. SEWARD, Secretary of State.”

CHAPTER X.

CLOSING SCENES OF THE REBELLION—SURRENDER OF
JOHNSTON'S ARMY—ALL THE REBELS LAY DOWN
THEIR ARMS—THE LAST TRICK OF THE
"CONFEDERACY"—GENERAL
SHERMAN.

ON the 14th of April, 1865, General Sherman, by flag of truce, received a communication from Joseph E. Johnston, asking a temporary armistice for arranging terms for the surrender of the rebel army under him. Sherman answered at once that he was empowered to arrange terms, and notified him that the same conditions accorded Lee would be given to him. Sherman then wrote to General Grant, telling him what he had done; also that he had invited Governor Vance to return to Raleigh, and that the leading politicians whom he met were not backward in stating that the war was over, and nothing was left to the Southern people but to return to their allegiance to the Government. Not until late on the 16th did General Johnston make a reply; but the delay, not as had been erroneously suspected, was from no fault on his part. At noon on the next day the two generals met, and then Sherman discovered, for the first time, that he had overlooked the real point in Johnston's proposition for the suspension of hostilities, that the "civil

authorities of the two countries " might have an opportunity to negotiate for peace. It was natural enough that General Sherman should have overlooked such a piece of childish folly at that moment, or such an unreasonable trick on the part of a soldier, after all that had happened about the recognition of the "Southern Confederacy." Could any sane man have reasoned himself into the conclusion that, when the very life had been crushed out of the Rebellion, and its military power destroyed, the United States Government would go to negotiating for peace with the "Confederacy," as such, a thing it never had recognized in the darkest hour of the national cause? Nobody knew better than General Johnston the utter preposterousness of the purpose he had put forward. The air of insincerity attached to this matter must detract from the character of the man whom John William Draper, certainly one of the fairest and ablest writers on the war, boldly pronounces the first soldier of the Rebellion.

When General Johnston informed Sherman, at their meeting on the 17th, that this thing was in his mind, and even in the words he wrote asking the armistice, Sherman frankly told him that the Government did not recognize such a power or country as the "Southern Confederacy," and that he could not receive or transmit to Washington anything claiming to come from such "Confederacy." That day was spent in discussing the terms of surrender, without reaching a conclusion.

Soon after they met Sherman showed Johnston

the dispatch he had received announcing the assassination of President Lincoln. While Johnston read it, the sweat dropped from his face, and he declared the event to be the greatest possible calamity to the South. On the following day the conference was resumed. In the meantime, however, Johnston had brought John C. Breckinridge and Mr. Reagan to his camp. These were two of Mr. Davis's "constitutional advisers," as he called them. Reagan wrote out a paper containing the terms of surrender which Johnston believed he would be able to agree upon, in the main, with General Sherman, and the next day Mr. Breckinridge was improperly admitted to the conference, and undertook to make an argument to Sherman in support of the paper which had been drawn up by Mr. Reagan.

During this day General Sherman told Breckinridge that there was a strong feeling in the North against Southern politicians of his class, and the sooner they got out of the country the better. And Breckinridge told him they were preparing to act on that understanding of the case. General Sherman, no doubt, earnestly felt that it would be the easiest way of disposing of these bad fellows, and the best thing for the Government, if they could be so fortunate as to escape out of the country.

In an interview with Jefferson Davis and most of his "constitutional advisers," General Johnston had firmly expressed it as his opinion that it would be the greatest of human crimes for them to attempt to continue the war; "for, having neither money

nor credit, nor arms but those in the hands of our soldiers, nor ammunition but that in their cartridge-boxes, nor shops for repairing arms or fixing ammunition, the effect of our keeping the field would be, not to harm the enemy, but to complete the devastation of our country and ruin of its people. I, therefore, urged that the President should exercise at once the only function of government still in his possession, and open negotiations for peace."

So says General Johnston in his "Narrative." In this opinion most of Mr. Davis's "constitutional advisers" concurred. And Davis even dictated the letter which Johnston cunningly sent to Sherman on the 14th, asking an armistice. In the face of this his own opinion and conduct, and other well-known facts, it was that General Johnston undertook to talk to Sherman about the "civil authorities of the two countries."

On the 18th, the following paper, written by General Sherman, but having the main features of the Reagan paper, was signed and started to Washington :—

"MEMORANDUM, OR BASIS OF AGREEMENT,

"MADE THIS 18TH DAY OF APRIL, A. D. 1865, NEAR DURHAM'S STATION, IN THE STATE OF NORTH CAROLINA, BY AND BETWEEN GENERAL JOSEPH E. JOHNSTON, COMMANDING CONFEDERATE ARMY, AND MAJOR-GENERAL WILLIAM T. SHERMAN, COMMANDING ARMY OF THE UNITED STATES, BOTH BEING PRESENT :

"1. The contending armies now in the field to maintain the *status quo*, until notice is given by the commanding general of any one to its opponent, and reasonable time, say forty-eight hours, allowed.

"2. The Confederate armies now in existence to be disbanded and conducted to their several State capitals,

therein to deposit their arms and public property in the State arsenal, and each officer and man to execute and file an agreement to cease from acts of war, and to abide the action of both State and Federal authorities. The number of arms and munitions of war to be reported to the Chief of Ordnance at Washington City, subject to the future action of the Congress of the United States, and in the meantime to be used solely to maintain peace and order within the borders of the States respectively.

“3. The recognition by the Executive of the United States of the several State governments, on their officers and Legislatures taking the oath prescribed by the Constitution of the United States; and where conflicting State governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

“4. The re-establishment of the Federal Courts in the several States, with powers as defined by the Constitution and laws of Congress.

“5. The people and inhabitants of all these States to be guaranteed, so far as the Executive can, their political rights and franchise, as well as their rights of person and property, as defined by the Constitution of the United States, and of the States respectively.

“6. The Executive authority of the Government of the United States not to disturb any of the people by reason of the late war, so long as they live in peace and quiet, and abstain from acts of armed hostility, and obey the laws in existence at the place of their residence.

“7. In general terms, the war to cease, a general amnesty, so far as the Executive of the United States can command, on the condition of the disbandment of the Confederate armies, distribution of arms, and the resumption of peaceable pursuits by the officers and men hitherto composing such armies. Not being fully empowered by our respective principals to fulfill these terms, we indi-

vidually and officially pledge ourselves to promptly obtain an answer thereto, and to carry out the above program.

“W. T. SHERMAN,

“Maj. Gen. Commanding Army U. S. in N. C.

“J. E. JOHNSTON,

“General Commanding C. S. A. in N. C.”

With this wonderful document Sherman sent a letter to General Grant, speaking in warm terms of it, and assuring the General that Johnston and Breckinridge both acknowledged that slavery was dead, but that he had left that matter out of the paper, as it could easily be arranged in detail with the States.

In Grant's reply, dated April 21st, at Washington, he says :—

“I read it carefully before submitting it to the President and Secretary of War, and felt that it could not possibly be approved. My reasons for these views I will give you at another time in a more extended letter. Your agreement touches upon questions of such vital importance that, as I read, I addressed a note to the Secretary of War, notifying him of its receipt, and the importance of immediate action by the President, and suggested, in view of its importance, that the entire Cabinet be called together, that all might give an expression of their opinions upon the matter. The result was a disapproval by the President of the basis laid down; a disapproval of the negotiations altogether, except for the surrender of the army commanded by Johnston.”

In the same letter he was notified to renew hostilities as soon as he could do so in good faith. On the 24th Sherman sent a communication to Johnston,

apprising him of the failure of their terms, and notifying him that the armistice would end in forty-eight hours. General Johnston at once sent a dispatch to Jefferson Davis, making him aware of the collapse of their beautiful scheme, and asking what further action he desired to take in the case. Mr. Davis was still strongly under the hallucination that the Rebellion was not overthrown, that they should prepare to fight on. And so, from his temporary refuge at Charlotte, North Carolina, he sent to Johnston his views and orders. But Johnston now saw fit to stop playing at farce, and act the part of a just and wise soldier, and so, wholly ignoring Mr. Davis and the dead cause to which he clung, he invited Sherman to another interview, the result being the following terms of surrender, approved by General Grant, who had arrived to direct matters :—

“All acts of war on the part of the troops under General Johnston’s command to cease from this date. All arms and public property to be deposited at Greensboro, and delivered to an ordnance officer of the United States army. Rolls of all officers and men to be made in duplicate, one copy to be retained by the commander of the troops, and the other to be given to an officer to be designated by General Sherman. Each officer and man to give his individual obligation in writing not to take up arms against the Government of the United States until properly released from this obligation. The side-arms of officers, and their private horses and baggage, to be retained by them.

“This being done, all the officers and men will be permitted to return to their homes, not to be disturbed by

the United States authorities so long as they observe their obligations and the laws in force where they may reside."

This agreement was signed by Generals Sherman and Johnston, and approved by General Grant on the 26th of April, 1865. Some supplementary terms as to details were afterward agreed upon, and about thirty thousand men under Johnston's command surrendered, thus closing up rebel military resistance west as far as Atlanta.

Although General Sherman had finally done well his part of the work, and submitted without a murmur to the rejection of the terms he was unfortunate enough to make, he soon found how unstable the reputation of a brave and patriotic soldier might become in such inflammable times. It was right that his original arrangement with General Johnston should meet the fate it did, as a whole. It would have fared no better than it did if Mr. Lincoln had been living. Yet the death of Mr. Lincoln caused the spirit of revenge to clutch the gasping Rebellion, and a disposition to leniency at such a moment was construed against the zeal and patriotism of the successful and well-meaning soldier. The murder of the President stifled for a time the spirit of forgiveness of which he was an exemplar so shining.

On the 27th of March, in the council at City Point, Mr. Lincoln had signified to General Sherman that almost any terms would be acceptable. He had seen enough of the horrors of war. He was ripe for the general amnesty which was embraced in the

Sherman and Johnston agreement of the 18th of April. The plan of reconstruction it so simply set forth was in harmony with his own steps in that direction, and there is no reason to believe that had the fatal blow at his life not been made, the whole vexed question of reorganizing the rebel States would not have been settled at once, on Sherman's brief method. The terms of the surrender would have been modified materially only in the third and fifth sections. No question as to the legitimacy of any part or parcel of the rebel government would have been left to disturb the courts or the people, and no misleading or ambiguous clause as to the rights of person and property would have been tolerated. At the head of all terms of capitulation Mr. Lincoln would have written everywhere obedience to the Government and no more slavery forever. With this modification, who will now say, in view of what followed in the next eight or ten years, and what was the final result of the whole business, that General Sherman's plan of reconstruction was not best, and that its adoption would not have been fortunate for the country? As it was, Sherman's conduct was looked upon as little else than treason or insanity. Serious misstatements to his prejudice were made throughout the country. Mr. Stanton very indiscreetly sent a long telegram to General Dix, at New York, which was colored in the common misconception of the case. General Halleck, who was sent down to take command at Richmond, caught the evil contagion of the moment, and

advised that Sherman's orders to his subordinates be not obeyed; and even from the War Department instructions were given to that effect. But, as time passed, confidence was restored in General Sherman and his purposes, and the country settled into the verdict, from which it never has departed, that Grant was right when he said he never could have intrusted the army for the celebrated "march to the sea" to any other officer.

The last engagement of the war occurred on the 13th of May, and resulted favorably to the rebels. This was on the Rio Grande, near Brazos Santiago, the Union troops being defeated, with the loss of eighty men. In his strange book, with the same kind of folly which has time after time been resorted to in support of wrong, Mr. Jefferson Davis makes childish mention of this engagement as a proof of the justness of an evil cause.

On the 8th of May, the rebel general, Richard Taylor, son of President Z. Taylor, surrendered to General E. R. S. Canby, the remaining rebels in arms east of the Mississippi, about 40,000; and on the 26th of the same month, E. Kirby Smith, whose army west of that river had dwindled to about 18,000 men, also surrendered to General Canby.

On the 10th of May, 1865, President Johnson issued a proclamation announcing the virtual ending of the Rebellion, and notifying foreign powers that they would be held accountable for harboring the few rebel pirates that were yet cruising on the high seas. But it was not until in the following summer

that the President was able to make these final announcements:—

“WHEREAS, By proclamations, of the fifteenth and nineteenth of April, one thousand eight hundred and sixty-one, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law; and

“WHEREAS, By another proclamation made on the sixteenth day of August, in the same year, in pursuance of an Act of Congress approved July thirteenth, one thousand eight hundred and sixty-one, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains, and to such other parts of that State and the other States before named as might maintain a loyal adhesion to the Union and the Constitution, or might be from time to time occupied and controlled by forces of the United States engaged in the dispersion of the insurgents), were declared to be in a state of insurrection against the United States; and

“WHEREAS, By another proclamation of the first day of July, one thousand eight hundred and sixty-two, issued in pursuance of an Act of Congress approved June 7, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia; and

“WHEREAS, By another proclamation made on the second day of April, one thousand eight hundred and sixty-three, in pursuance of the act of Congress of July 13, one thousand eight hundred and sixty-one, the exceptions named in the proclamation of August 16, one thousand eight hundred and sixty-one, were revoked, and the inhabitants of the States of

Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and the ports of New Orleans, Key West, Port Royal, and Beaufort, in South Carolina), were declared to be still in a state of insurrection against the United States; and

“WHEREAS, The House of Representatives, on the 22d day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, namely:

“*Resolved, by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government, and in arms around the Capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease.*’

“And WHEREAS, The Senate of the United States, on the 25th day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, to wit:

“*Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government, and in arms around the Capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union with all the*

dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished, the war ought to cease.'

"And WHEREAS, These resolutions, though not joint or concurrent in form, are substantially identical, and as such may be regarded as having expressed the sense of Congress upon the subject to which they relate; and

"WHEREAS, By my proclamation of the thirteenth day of June last, the insurrection in the State of Tennessee was declared to have been suppressed, the authority of the United States therein to be undisputed, and such United States officers as had been duly commissioned to be in the undisputed exercise of their official functions; and

"WHEREAS, There now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of the said States are well and loyally disposed, and have conformed, or will conform in their legislation, to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

"WHEREAS, In view of the before recited premises, it is the manifest determination of the American people that no State, of its own will, has the right or the power to go out of, or separate itself from, or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States; and

"WHEREAS, The people of the several before-mentioned States have, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity; and

"WHEREAS, It is believed to be a fundamental principle of government that people who have revolted, and who have been overcome and subdued, must either be dealt with so as to induce them voluntarily to become friends, or else they must be held by absolute military power, or devastated, so as to

prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and freedom; and

“WHEREAS, The Constitution of the United States provides for constituent communities only as States and not as Territories, dependencies, provinces, or protectorates; and

“WHEREAS, Such constituent States must necessarily be, and by the Constitution and laws of the United States are, made equals, and placed upon a like footing as to political rights, immunities, dignity, and power, with the several States with which they are united; and

“WHEREAS, The observance of political equality as a principle of right and justice is well calculated to encourage the people of the aforesaid States to be and become more and more constant and persevering in their renewed allegiance; and

“WHEREAS, Standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus* are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppressing insurrection or rebellion; and

“WHEREAS, The policy of the Government of the United States, from the beginning of the insurrection to its overthrow and final suppression, has been in conformity with the principles herein set forth and enumerated:

“Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida is at an end, and is henceforth to be so regarded.

“In testimony whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

“Done at the City of Washington, the second day of April, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

“By the President:

ANDREW JOHNSON.

“WILLIAM H. SEWARD, Secretary of State.”

“WHEREAS, By proclamation of the fifteenth and nineteenth of April, eighteen hundred and sixty-one, the President of the United States, in virtue of the power vested in him by the Constitution and the laws, declared that the laws of the United States were opposed and the execution thereof obstructed in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by law; and

“WHEREAS, By another proclamation, made on the sixteenth day of August, in the same year, in pursuance of an Act of Congress approved July thirteenth, one thousand eight hundred and sixty-one, the inhabitants of the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida (except the inhabitants of that part of the State of Virginia lying west of the Alleghany Mountains, and except also the inhabitants of such other parts of that State, and the other States before named, as might maintain a loyal adhesion to the Union and the Constitution, or might be, from time to time, occupied and controlled by forces of the United States engaged in the dispersion of insurgents), were declared to be in a state of insurrection against the United States; and

“WHEREAS, By another proclamation, of the first day of July, one thousand eight hundred and sixty-two, issued in pursuance of an Act of Congress approved June seventh, in the same year, the insurrection was declared to be still existing in the States aforesaid, with the exception of certain specified counties in the State of Virginia; and

“WHEREAS, By another proclamation, made on the second day of April, one thousand eight hundred and sixty-three, in pursuance of the Act of Congress of July thirteenth, one thousand eight hundred and sixty-one, the exceptions named in the proclamation of August sixteenth, one thousand eight hundred and sixty-one, were revoked, and the inhabitants of the States of Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, Florida, and Virginia (except the forty-eight counties of Virginia designated as West Virginia, and the ports of New Orleans, Key West, Port Royal,

and Beaufort, in North Carolina), were declared to be still in a state of insurrection against the United States; and

“WHEREAS, By another proclamation, of the fifteenth day of September, one thousand eight hundred and sixty-three, made in pursuance of the Act of Congress approved March third, one thousand eight hundred and sixty-three, the Rebellion was declared to be still existing, and the privilege of the writ of *habeas corpus* was, in certain specified cases, suspended throughout the United States, said suspension to continue throughout the duration of the Rebellion, or until said proclamation should, by a subsequent one to be issued by the President of the United States, be modified or revoked; and

“WHEREAS, The House of Representatives, on the twenty-second day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, namely:

“‘*Resolved, by the House of Representatives of the Congress of the United States, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government, and in arms around the Capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects are accomplished the war ought to cease.*’

“And WHEREAS, The Senate of the United States, on the twenty-fifth day of July, one thousand eight hundred and sixty-one, adopted a resolution in the words following, to wit:

“‘*Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States, now in revolt against the Constitutional Government, and in arms around the Capital; that in this national emergency Congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country;*

that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution, and all laws made in pursuance thereof, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.'

"And WHEREAS, These resolutions, though not joint or concurrent in form, are substantially identical, and as such have hitherto been and yet are regarded as having expressed the sense of Congress upon the subject to which they relate; and

"WHEREAS, The President of the United States, by proclamation, of the thirteenth of June, eighteen hundred and sixty-five, declared that the insurrection in the State of Tennessee had been suppressed, and that the authority of the United States therein was undisputed, and that such United States officers as had been duly commissioned were in the undisturbed exercise of their official functions; and

"WHEREAS, The President of the United States, by further proclamation, issued on the second day of April, one thousand eight hundred and sixty-six, did promulgate and declare that there no longer existed any armed resistance of misguided citizens, or others, to the authority of the United States in any or in all the States before mentioned, excepting only the State of Texas; and did further promulgate and declare that the laws could be sustained and enforced in the several States before mentioned, except Texas, by the proper civil authorities, State or Federal, and that the people of the said States, except Texas, are well and loyally disposed, and have conformed, or will conform, in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States;

"And did further declare, in the same proclamation, that it is the manifest determination of the American people that no State, of its own will, has a right or power to go out of, or separate itself from, or be separated from, the American Union;

and that, therefore, each State ought to remain and constitute an integral part of the United States ;

“And did further declare, in the same last-mentioned proclamation, that the several aforementioned States, excepting Texas, had, in the manner aforesaid, given satisfactory evidence that they acquiesce in this sovereign and important resolution of national unity; and

“WHEREAS, The President of the United States, in the same proclamation, did further declare that it is believed to be a fundamental principle of Government that the people who have revolted, and who have been overcome and subdued, must either be dealt with so as to induce them voluntarily to become friends, or else they must be held by absolute military power, or devastated, so as to prevent them from ever again doing harm as enemies, which last-named policy is abhorrent to humanity and to freedom; and

“WHEREAS, The President did, in the same proclamation, further declare that the Constitution of the United States provides for constituent communities only as States, and not as territories, dependencies, provinces, or protectorates;

“And further that such constituent States must necessarily be, and by the Constitution and laws of the United States are, made equals, and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united;

“And did further declare that the observance of political equality as a principle of right and justice is well calculated to encourage the people of the before-named States, except Texas, to be and to become more and more constant and persevering in their renewed allegiance; and

“WHEREAS, The President did further declare that standing armies, military occupation, martial law, military tribunals, and the suspension of the writ of *habeas corpus*, are, in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not, therefore, to be sanctioned or allowed, except in cases of actual necessity, for repelling invasion or suppressing insurrection or rebellion;

“And the President did further, in the same proclamation, declare that the policy of the Government of the United States, from the beginning of the insurrection to its overthrow and final suppression, had been conducted in conformity with the principles in the last-named proclamation recited; and

“WHEREAS, The President, in the said proclamation of the thirteenth of June, one thousand eight hundred and sixty-five, upon the grounds therein stated and hereinbefore recited, did then and there proclaim and declare that the insurrection which heretofore existed in the several States before named, except in Texas, was at an end, and was henceforth to be so regarded; and

“WHEREAS, Subsequently to the said second day of April, one thousand eight hundred and sixty-six, the insurrection in the State of Texas has been completely and everywhere suppressed and ended, and the authority of the United States has been successfully and completely established in the said State of Texas, and now remains therein unrestricted and undisputed, and such of the proper United States officers as have been duly commissioned within the limits of the said State are now in the undisturbed exercise of their official functions; and

“WHEREAS, The laws can now be sustained and enforced in the said State of Texas by the proper civil authority, State or Federal; and the people of the said State of Texas, like the people of other States before named, are well and loyally disposed, and have conformed, or will conform, in their legislation to the condition of affairs growing out of the amendment of the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

“WHEREAS, All the reasons and conclusions set forth in regard to several States therein specially named now apply equally and in all respects to the State of Texas, as well as to the other States which had been involved in insurrection; and

“WHEREAS, Adequate provision has been made by military orders to enforce the execution of the acts of Congress and the civil authorities, and secure obedience to the Constitution and laws of the United States within the State of Texas, if a resort to military force for such purpose should at any time become necessary:

“Now, therefore, I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named, in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand eight hundred and sixty-six.

“And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquillity, and civil authority now exist in and throughout the whole of the United States of America.

“In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

“Done at the City of Washington, this twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

“By the President:

ANDREW JOHNSON.

“WM. H. SEWARD, Secretary of State.

The proclamation of April, 1866, was not to be construed as affecting martial law, or operating in any way on the “Freedmen’s Bureau” in the proper discharge of its functions; nor was it to interfere with military commissions, or trials then in process or before organized.

CHAPTER XI.

DISBANDING THE GREAT ARMY—THE SOUTH, ITS GENERALS, MEN, MONEY, AND MANAGEMENT OF THE WAR—JEFFERSON DAVIS—STARTING THE WORK OF RECONSTRUCTION—PRESIDENT JOHNSON'S SENTIMENTS, THEORIES, AND PLANS. .

TOWARD the close of May, 1865, preparations began to be made for mustering out of service the grand army of the Republic. No such army had been organized in modern times, and none so thoroughly and powerfully equipped in the history of the world, and it became a question in Europe as to what disposition could be made of this vast force; but no such question disturbed the people of this country. The army was composed, mainly, of citizens, men of families and homes, who had been fighting for their principles and country, and when they had won their cause, they were ready to return with joy to their former avocations. In the sight of monarchic Europe the dispersion of this vast army presented a grand moral spectacle difficult to be contemplated; but the work was soon done. In a day the victorious army melted away, and became a thing of the past. To the Government it left a burden and a task, the work of many years. To heal the wounds of such a conflict was a difficult undertaking. To

care for the widow and orphan; to lift those the war had crushed, or made helpless; to reconstruct and reinvigorate exhausted and anarchic communities; and provide for the stupendous debt which a foolish and wicked Rebellion had made necessary, now became the cheerless and difficult task of the Government. In doing this work it was not to be expected there would be no mistakes. There had been errors in the conduct of the war, when men were most united for a great, common purpose; but now, when every imaginable and possible interest and passion would be involved, the case became appalling.

A page may here not inappropriately, perhaps, be devoted to a mere glance at the conduct and final collapse of the "Confederacy." In the first year of the Rebellion, and especially at its outset, many of the most able men of the South entered what was termed the "Congress" and took part in the "government." But when the war had fairly begun, a new field was opened for ambition, and most of these men were struck with a desire for military glory. They entered the army. And how many of these politicians became soldiers? And where now is the glory obtained in fighting in such a cause? Its very mention is a source of ridicule or contempt in the greater part of the world.

The rebel "Congress" was soon passed over, mainly, to an inferior class of men, mostly unknown in the politics of the country. Lazy, unwise, and quarrelsome, they constituted, perhaps, the most incompetent and unworthy body of men who had ever assembled

in a legislative capacity on the continent. The will of Mr. Davis became the will of the legislature, and the government became the one-man power of which the political charlatanry of the country had ever cried. The Rebellion had been founded upon two utterly false political pretensions, State Rights and Secession, but the rebel leaders soon lost sight of these, or found them entirely impracticable. Such a thing as secession among the States engaged in the Rebellion was resisted, and even the discussion of the subject put down; and the rights of the States, in the sense of the State-Rights dogma, were utterly crushed out. The pretended friends and patrons of these theories set out at once to suppress them among themselves; and the government to be established on them, with slavery as its corner-stone, became a weak, distracted despotism.

By the winter of 1863, Mr. Davis says, the currency of the Confederacy in circulation amounted to three times the demand of the business of the country, and the effect of inflation was very apparent on the morals of the people. The rebel foreign debt at the close of the war was very considerable, made chiefly in London and Paris, and beginning in 1863. This loan was based solely on cotton seven per cent bonds, which were to be redeemed in cotton at a low designated rate, or in forty half-yearly coin payments. But this was not the only loss France and England suffered by their avaricious folly and wickedness.

No such a miserable financial fabrication was ever erected by men claiming sanity and intelligence as

that of the "Confederacy." Still, as in everything else, its monetary pretensions were monstrous. On the last Sunday of the "Lost Cause" in Richmond, the "Confederate Currency" was thrown on the streets broadcast, and trampled under the feet of the people who had used it. It had never been worth anything, and now they knew it was chaff. But down at Danville or Charlotte, Mr. Davis caused a bank to be opened by his treasurer and he there began fooling with this trash again. Confidence was to be re-established he said. The little chest was opened, and the people invited to come up, and the "government" would redeem its obligations by paying them one dollar in silver for seventy in its "currency," which may have fallen into their hands. The "government," he said, was still strong. There could be no better demonstration of the fact! When the "government," that is, Mr. Davis, moved on, he ceremoniously assigned thirty or forty thousand dollars, about all left of this silver, to General Johnston. It was to be a "military chest" for defraying the expenses of further prosecuting the war. This was, indeed, the day of small things and small men in the South. At its best that section had never had any financiers, and during the Rebellion it exhibited its utter inability to grapple with the question of money. The legislation of the Rebellion showed an almost entire lack of anything like statesmanship, and the only spirit of any kind manifested in the last days was in the disposition to quarrel with Jefferson Davis.

Nor were military affairs much better in the South. Its able men, its chivalry, rushed out to gain a little glory in a conflict they would make very brief. But harmony was utterly wanting among them from first to last; and their soldierly qualities were seldom equal to their ambitious and loud pretensions. Still the South had many brave, and not a few quite able, soldiers, besides Thomas Jonathan (Stonewall) Jackson, Albert Sidney Johnston, and James Longstreet.

Joseph E. Johnston and Robert E. Lee have been eulogized as standing at the head; or, indeed, far above the head, of all the rebel military chiefs; and among most of those who were engaged in the Rebellion, with their descendants, General Lee is held up as the model soldier of his age. Neither General Johnston's military career, nor his "Narrative" of it, shows him to have been a successful or a great soldier.

General Lee was considered notoriously faulty at the outset by the Southern people, and what they understood as his utter failure in West Virginia, was generally censured. No soldier ever had a better opportunity to gain renown or to strike for his cause than he had in the Peninsular or Chickahominy campaign of the slow, doubtful, and ever unready McClellan. He failed almost utterly in that campaign, only preventing McClellan from taking Richmond, which he could not have done if a more energetic soldier had been at the head of the Union army. He allowed McClellan's army to beat him badly at

Malvern Hill, and slip away in a demoralized or unorganized mass. He was not able to take advantage of the great opportunities offered him in this campaign. It was not enough that he should prevent McClellan doing what he was sent down there to do; a great soldier would have done more.

In setting out on his sortie to Pennsylvania in 1863, Lee committed a great military blunder in detaching his cavalry; and by this loss was, the greater part of the time, without knowledge of the movements of his foe. From this oversight he reaped no compensatory benefits. The battle of Gettysburg he could have avoided, and he gained nothing by risking it. His management of that battle was faulty. His failure to press Burnside, to destroy him, at Fredericksburg was noteworthy. In allowing Hooker to escape at Chancellorsville he exhibited a want of capacity. In his first raid across the Potomac, he blundered greatly in dividing his army at Frederick; and at Sharpsburg, or Antietam, he was compelled to fight a battle in which he gained nothing, and by which he was forced to return without accomplishing his purpose. He was, indeed, not quite able to hold his own against McClellan, who was so notoriously unsatisfactory at the head of the Union army that the Administration was compelled to retire him. When he was put on the inside line to resist the most stubborn and unconquerable soldier who came out in this great conflict, his most admirable qualities were exhibited. From the Wilderness to Appomattox Court House he fought with skill and great gallantry,

but he had met more than his match. He was unable to withstand the great weight brought against him. Around him had fallen Jackson, the Hills, and a host of other brave, manly fellows; and had his cause not been intrinsically bad, there would be found in his own and their careers many points of admiration, and enough to establish their claims to righteous sympathy and their places among worthy and skillful soldiers.

By far the most remarkable man in the South during the Rebellion was Jefferson Davis. Whatever mistakes the South made in the conduct of its affairs through him, it made none in his selection for the place he occupied. If he was not the most able man of his section, he was undoubtedly the one best suited to conduct its rebellion against the Government. Under any other man in the South, the cause would have been lost in fact long before it was. He was unable to recognize such a thing as defeat. After all hope was gone, he began to devise new means of continuing the struggle. He startled his "Congress" and the people by declaring in favor of negro soldiers; nor did he abandon this ultra scheme. He worked away on it until his success was complete, but at too late a date to reap its benefits.

On Sunday night, April 2, 1865, he fled from Richmond, but not to abandon his hopeless cause. At Danville he issued this remarkable address:—

"DANVILLE, VA., April 5, 1865.

"The General-in-Chief found it necessary to make such movements of his troops as to uncover the capital.

It would be unwise to conceal the moral and material injury to our cause resulting from the occupation of our capital by the enemy. It is equally unwise and unworthy of us to allow our own energies to falter, and our efforts to become relaxed under reverses, however calamitous they may be. For many months the largest and finest army of the Confederacy, under a leader whose presence inspires equal confidence in the troops and the people, has been greatly trammelled by the necessity of keeping constant watch over the approaches to the capital, and has thus been forced to forego more than one opportunity for promising enterprise. It is for us, my countrymen, to show by our bearing under reverses, how wretched has been the self-deception of those who have believed us less able to endure misfortune with fortitude than to encounter danger with courage.

“We have now entered upon a new phase of the struggle. Relieved from the necessity of guarding particular points, our army will be free to move from point to point, to strike the enemy in detail far from his base. Let us but will it, and we are free.

“Animated by that confidence in your spirit and fortitude which never yet failed me, I announce to you, fellow-countrymen, that it is my purpose to maintain your cause with my whole heart and soul; that I will never consent to abandon to the enemy one foot of the soil of any of the States of the Confederacy; that Virginia—noble State—whose ancient renown has been eclipsed by her still more glorious recent history; whose bosom has been bared to receive the main shock of this war; whose sons and daughters have exhibited heroism so sublime as to render her illustrious in all time to come—that Virginia, with the help of the people, and by the blessing of Providence, shall be held and defended, and no peace ever be made with the infamous invaders of her territory.

“If, by the stress of numbers, we should be compelled

to a temporary withdrawal from her limits, or those of any other border State, we will return until the baffled and exhausted enemy shall abandon in despair his endless and impossible task of making slaves of a people resolved to be free.

“Let us, then, not despond, my countrymen, but, relying on God, meet the foe with fresh defiance, and with unconquered and unconquerable hearts.

“JEFFERSON DAVIS.”

Soon after the close of negotiations between Sherman and Johnston, Mr. Davis left Charlotte, at first with several of his counselors and a considerable cavalry escort, with the intention of making his way to the camp of Dick Taylor, and from thence to the west side of the Mississippi, where he seemed to believe he would be able to continue the struggle until he could get some favorable terms for the return of the rebel States to their allegiance to the Government, if he could do no more. His military escort gradually left him, and finally he was captured near Irwinsville, Georgia, on the 10th of May. Many stories about his apparel and the manner of his capture were, of course, mere fabrications. He was placed at Fortress Monroe as a prisoner, under several charges, one of which, complicity in the murder of President Lincoln, had no foundation in fact. His arrest was a mistake, which never would have been committed if Mr. Lincoln had been President. Davis made no special effort to escape, and for a few days there was a disposition at Washington to allow the military to take the course which was known to be agreeable to the views of Mr. Lincoln, and let

the rebel chief get away. But Mr. Johnson's feelings against Davis were strong, and they were in no way softened by Secretary Stanton's uncompromising, unvarying severity, or the exactions of the public at that excited moment. The capture of the misguided old man only complicated the difficult task before the Administration; and no amount of punishment or imprisonment could ever bend his stubborn neck or correct his erroneous views. And now, after all his calamities, and the utter destruction of his evil and unsound theories, he lives on in the childish phantasy that they will some time flourish, or at least that a forgetful, careless, and charitable age may write an honorable epitaph for him and his "Lost Cause."

Mr. Johnson presented the first steps in the policy he was about to undertake for the political restoration of the South in his Amnesty Proclamation of the 29th of May, and in his proclamation of the 9th of that month, concerning the affairs of Virginia. A few days later the following was issued:—

"WHEREAS, The fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion and domestic violence; and

"WHEREAS, The President of the United States is, by the Constitution, made commander-in-chief of the army and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and

“WHEREAS, The Rebellion, which has been waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof, in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has, in its revolutionary progress, deprived the people of the State of North Carolina of all civil government; and

“WHEREAS, It becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of government:

“Now, therefore, in obedience to the high and solemn duties imposed upon me by the Constitution of the United States, and for the purpose of enabling the loyal people of said State to organize a State government, whereby justice may be established, domestic tranquillity insured, and loyal citizens protected in all their rights of life, liberty, and property, I, Andrew Johnson, President of the United States, and Commander-in-Chief of the Army and Navy of the United States, do hereby appoint Wm. W. Holden Provisional Governor of the State of North Carolina, whose duty it shall be, at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of said State who are loyal to the United States, and no others, for the purpose of altering or amending the constitution thereof; and with authority to exercise, within the limits of said State, all the powers necessary and proper to enable such loyal people of the State of North Carolina to restore said State to its Constitutional relations to the Federal Government, and to present such a republican form of State government as will entitle the State to the guarantee of the United States therefor, and its people to protection by the United States against inva-

sion, insurrection, and domestic violence: *Provided*, that in any election that may be hereafter held for choosing delegates to any State Convention as aforesaid, no person shall be qualified as an elector, or shall be eligible as a member of such convention, unless he shall have previously taken and subscribed the oath of amnesty, as set forth in the President's Proclamation of May 29th, A. D. 1865, and is a voter qualified as prescribed by the constitution and laws of the State of North Carolina in force immediately before the 20th day of May, A. D. 1861, the date of the so-called ordinance of secession; and the said convention, when convened, or the Legislature that may be thereafter assembled, will prescribe the qualification of electors, and the eligibility of persons to hold office under the constitution and laws of the State, a power the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time.

"And I do hereby direct:—

"*First.* That the Military Commander of the Department, and all officers and persons in the military and naval service, aid and assist the said Provisional Governor in carrying into effect this Proclamation, and they are enjoined to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government, as herein authorized.

"*Second.* That the Secretary of State proceed to put in force all laws of the United States, the administration whereof belongs to the State Department, applicable to the geographical limits aforesaid.

"*Third.* That the Secretary of the Treasury proceed to nominate, for appointment, assessors of taxes and collectors of customs and internal revenue, and such other officers of the Treasury Department as are authorized by law, and put in execution the revenue laws of the United States within the geographical limits aforesaid. In making ap-

During June and July similar steps were taken as to Mississippi, Georgia, Alabama, Texas, South Carolina, and Florida, and provisional governors appointed for all of these States. And so, long before the assembling of Congress, in December, Mr. Johnson had quite clearly developed the course he was disposed to pursue in the work of reconstruction. He had, indeed, moved with rapidity; faster than a great part of the loyal people were able to follow. Under the suggestions of Mr. Lincoln, Virginia had set up a form of government with Mr. Pierpont at its head, and this President Johnson recognized in his proclamation of the 9th of May. His plan for the other States was mainly based upon this state of affairs in Virginia, and the course he had pursued in Tennessee under the approbation of Mr. Lincoln.

The provisional governors, and various delegations from their States, visited the President, and freely discussed with him the work to be done; but what followed was not always according to his views. Governor Holden, of North Carolina, ordered an election of delegates to a convention which assembled early in October, and declared the secession ordinance null and void, and passed an ordinance prohibiting slavery in that State. In November the people ratified the action of the convention as to slavery, and elected members of the Legislature and a governor. President Johnson's provisional governor was one of the candidates for the place he filled, but was beaten.

In Georgia, Florida, Mississippi, and South Carolina, the old executive officers under the Rebellion took steps to organize their State governments, but Generals Gillmore and Canby revoked their acts, and soon afterwards those of the President's provisional governors; and the President cautiously watched every step they took, thanking them for what he wanted them to do, and what they had done when it was agreeable to his ideas. The Mississippi Convention declared the secession ordinance null and void, but the Legislature refused to agree to the anti-slavery amendment.

The Georgia Convention repealed the secession ordinance of that State, and declared slavery forever abolished, and the new Legislature sustained these acts. During the sitting of the convention in this State, the President sent the following letter of instructions to Provisional Governor James Johnson:—

“EXECUTIVE OFFICE, WASHINGTON, D. C., }
October 28, 1865. }

“JAMES JOHNSON, Provisional Governor:—

“Your dispatch has been received. The people of Georgia should not hesitate one single moment in repudiating every single dollar of debt created for the purpose of aiding the Rebellion against the Government of the United States. It will not do to levy and collect taxes from a State and people that are loyal and in the Union to pay a debt that was created to aid in an effort to take them out, and thereby subvert the Constitution of the United States. I do not believe the great mass of the people of the State of Georgia, when left uninfluenced, will ever submit to the payment of a debt which was the main cause of bringing on their past and present suffering, the result of the Rebellion. Those who vested their

capital in the creation of this debt must meet their fate, and take it as one of the inevitable results of the Rebellion, though it may seem hard to them. It should at once be made known at home and abroad that no debt contracted for the purpose of dissolving the Union of the States can or ever will be paid by taxes levied on the people for such purpose.

ANDREW JOHNSON,

“President of the United States.”

Alabama also conditionally ratified the Constitutional amendment of Congress abolishing slavery; and all the States in the Rebellion asked for a repeal of the test-oath. Mississippi asked for the pardon of Jefferson Davis and Jacob Thompson.

Florida proceeded in the same way as provided for the other States; and in December, 1865, her new Legislature ratified the Constitutional amendment abolishing slavery.

While affairs were pending in South Carolina, the following letters passed between the President and Benj. F. Perry:—

“EXECUTIVE OFFICE, WASHINGTON, D. C., }
October 31, 1865.

“B. F. PERRY, Provisional Governor:—

“There is a deep interest felt as to what course the Legislature will take in regard to the adoption of the amendment to the Constitution of the United States abolishing slavery, and the assumption of the debt created to aid in the Rebellion against the Government of the United States. If the action of the convention was in good faith, why hesitate in making it a part of the Constitution of the United States?

“I trust in God that restoration of the Union will not now be defeated, and all that has so far been well done thrown away. I still have faith that all will come out

right yet. This opportunity ought to be understood and appreciated by the people of the Southern States.

"If I know my own heart and every passion which enters it, my earnest desire is to restore the blessings of the Union, and tie up and heal every bleeding wound which has been caused by this fratricidal war. Let us be guided by love and wisdom from on high, and Union and Peace will once more reign throughout the land.

"ANDREW JOHNSON."

"COLUMBIA, S. C., November 27, 1865.

"President JOHNSON:—

"Will you please inform me whether the South Carolina members of Congress should be in Washington at the organization of the House. Will the Clerk of the House call their names if their credentials are presented to him? Will the test oath be required? or will it be refused by Congress? If the members are not allowed to take their seats, they do not wish to incur the trouble and expense of going on, and the mortification of being rejected. Do give your views and wishes.

B. F. PERRY,

"Provisional Governor."

"EXECUTIVE OFFICE, WASHINGTON, D. C., }
November 27, 1865.

"B. F. PERRY, Provisional Governor:—

"I do not think it necessary for the members elect from South Carolina to be present at the organization of Congress. On the contrary, it will be better policy to present their certificates of election after the two Houses are organized, and then it will be a simple question under the Constitution of the members taking their seats. Each House must judge for itself the election, returns, and qualifications of its own members. What the two Houses will do in reference to the oath now required to be taken before the members can take their seats is unknown to me, and I do not like to predict; but, upon the whole, I am of opinion that it would be better for the question to

come up and be disposed of after the two Houses have been organized.

"I hope that your Legislature will adopt a code in reference to free persons of color that will be acceptable to the country, at the same time doing justice to the white and colored population.

ANDREW JOHNSON,

"President of the United States."

Several of these States in accepting the amendment to the Constitution abolishing slavery inserted the condition that Congress should have no power to legislate upon the political status of the freedmen in their boundaries. But in the meantime the colored people in the Slave States had not been idle. Conventions in some of the States had been held, and the protection of the Government asked; and in South Carolina they boldly asked Congress to bestow upon them the right of suffrage.

In the spring of 1866 Texas ratified the anti-slavery amendment; and with the arrangement made by President Lincoln in Arkansas and Louisiana there was no interference on the part of Mr. Johnson.

Early in March, 1865, Parson W. G. Brownlow was elected Governor of Tennessee, and that State made some progress in the work of reconstruction under the President's general plan, which had been instituted while he was Military Governor, and which had been sanctioned by Congress.

Late in June, 1865, the following conversation occurred between the President and some members of a delegation visiting him from South Carolina:—

"The President said that it was his intention to talk plainly so there might be no misunderstanding. Therefore it

were better they should look each other full in the face, and not imitate the ancient augurs, who, when they met one another, could smile at their success in deceiving the people. He said if this Union was to be preserved it must be on the principle of fraternity, both the Northern and Southern States maintaining certain relations to the Government. A State can not go out of the Union, and, therefore, none of them having gone out, we must deal with the question of restoration, and not reconstruction. He suspected that he was a better State-Rights man than some of those now present.

“*Mr. Holmes.*—You always so claimed to be. (Laughter.)

“The President replied that he always thought that slavery could not be sustained outside of the Constitution of the United States, and that whenever the experiment was made it would be lost. Whether it could or could not, he was for the Union, and if slavery set itself up to control the Government, the Government must triumph and slavery perish. The institution of slavery made the issue, and we might as well meet it like wise and patriotic and honest men. All institutions must be subordinate to the Government, and slavery has given way. He could not, if he would, remand it to its former status. He knew that some whom he now addressed looked upon him as a great people’s man and a radical. But, however unpleasant it might be to them, he had no hesitation in saying, that before and after he entered public life, he was opposed to monopolies and perpetuities and entails. For this he used to be denounced as a demagogue. We had a monopoly South in slaves. Though he had bought and held slaves, he had never sold one. From Magna Charta we had derived our idea of freedom of speech, liberty of the press, and unreasonable searches, and that private property should not be taken for public uses without just compensation. He had these notions fixed in his mind, and was therefore opposed to class legislation. Being providentially brought to his present condition, he intended to exert the power and influence of the Government so as to place in power the popular heart of this nation. He proceeded on the principle that the great masses are not the mushrooms about a stump, which wet weather supplies. He believed that this Nation was sent on a great mission—to afford an example

of freedom and substantial happiness to all the powers of the earth. The Constitution of the United States, in speaking of persons to be chosen as Representatives in Congress, says that the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

“Here we find a resting-place. This was the point at which the Rebellion commenced. All the States were in the Union, moving in harmony; but a portion of them rebelled, and to some extent suspended and paralyzed the operations of their governments. There is a Constitutional obligation resting upon the United States Government to put down rebellion, suppress insurrection, and to repel invasion. The slaves went into the war as slaves, and came out free men of color. The friction of the Rebellion has rubbed out the nature and character of slavery. The loyal men who were compelled to bow and submit to the Rebellion should, now that the Rebellion is ended, stand equal to loyal men everywhere. Hence the wish of restoration, and the trying to get back the States to the point at which they formerly moved in perfect harmony. He did not intend to serve any particular clique or interest. He would say to the delegation that slavery is gone as an institution. There was no hope that the people of South Carolina could be admitted into the Senate or the House of Representatives until they had afforded evidence, by their conduct, of this truth. The policy, now that the Rebellion is suppressed, is not to restore the State government through military rule, but by the people. While the war has emancipated slaves, it has emancipated a larger number of white men. He would talk plain, as the delegation had said that was what they desired. He could go to men who had owned fifty or a hundred slaves, and who did not care as much for the poor white man as they did for the negro. Those who own the land have the capital to employ help, and therefore some of our Northern friends are deceived when they, living afar off, think they can exercise a greater control over the freedmen than the Southern men who have been reared where the institution has prevailed. Now, he did not want the late slaveholders to control the negro votes against white men. Let each State judge of the depository of

its own political power. He was for emancipation. He was for emancipating the white man as well as the black.

"Mr. Holmes asked: Is not that altogether accomplished?

"The President replied that he did not think the question fully settled. The question as to whether the black man shall be engrafted in the Constitution will be settled as we go along. He would not disguise the fact that while he had been persecuted and denounced at the South as a traitor, he loved the great mass of the Southern people. He opposed the Rebellion at its breaking out, and fought it everywhere, and now wanted the principles of the Government carried out and maintained.

"Mr. Holmes interrupted by saying: We want to get back to the same position as you describe, as we are without law, no courts are open, and you have the power to assist us.

"The President replied that the Government can not go on unless it is based on right. The people of South Carolina must have a convention, and amend their constitution by abolishing slavery, and this must be done in good faith, and the convention or Legislature must adopt the proposed amendment to the Constitution of the United States, which prohibits and excludes slavery everywhere.

"One of the delegates said: We are most anxious for civil rule, for we have had more than enough of military despotism.

"The President, resuming, said that as the Executive he could only take the initiatory steps to enable them to do the things which it was incumbent upon them to perform.

"Another of the delegates remarked that it was assumed in some parts of this country, that in consequence of the rebellion the Southern States had forfeited their rights as members of the confederacy, and that if restored it could only be on certain conditions, one of which was that slavery shall be abolished. This could be done only through a convention.

"The President repeated that the friction of the Rebellion had rubbed slavery out, but it would be better so to declare by law. As one of the delegates had just remarked that the constitution of South Carolina did not establish slavery, it were better to insert a clause antagonistic to slavery.

"Judge Frost said, substantially: The object of our prayer is the appointment of a governor. The State of South Car-

olina will accept these conditions in order that law and order may be restored, and that enterprise and industry may be directed to useful ends. We desire restoration as soon as possible. It is the part of wisdom to make the best of circumstances. Certain delusions have been dispelled by the Revolution; among them, that slavery is an element of political strength and moral power. It is very certain that the old notion respecting State Rights, in the maintenance of which those who made the Rebellion in South Carolina erred, has ceased to exist. Another delusion, viz., that cotton is king, has likewise vanished in mist. We are to come back with these notions dispelled, and with a new system of labor. The people of South Carolina will cordially co-operate with the Government in making that labor effective, and elevating the negro as much as they can. It is, however, more the work of time than the labor of enthusiasm and fanaticism. The people of the South have the largest interest in the question. We are willing to co-operate for selfish, if for no higher, motives. We have taken the liberty, encouraged by your kindness, to throw out suggestions by which the policy of the Government will be most surely and effectually subserved. I repeat that the new system of labor is to be inaugurated by sober, sound, and discreet judgment. The negroes are ignorant; their minds are much inflamed with liberty; they are apt to confound liberty with license; their great idea is, I fear, that freedom consists of exemption from work. We will take in good faith and carry out your intentions with zeal, and hope for the best; and none will rejoice more than the people of the South if emancipation proves successful. Freedom to the slave is freedom to the master, provided you can supply a motive for industry. The people of South Carolina, from their fidelity to honor, have submitted to great sacrifices; they endured all. We are defeated and conquered by the North, who are too strong for us. The same good faith which animated them in the contest will not be found wanting in their pledge of loyal support to the Government. There may grow out of this blessings which you have not foreseen, and some pleasing rays now illumine the horizon. I suppose the oath of allegiance will be taken with as much unanimity in South Carolina as anywhere else,

and we will submit to the condition of things which Providence has assigned, and endeavor to believe

‘ All discords harmony not understood,
And partial evil universal good.’

We cheerfully accept the measures recommended, and would thank you to nominate, at your convenience, a governor to carry out the wishes you have expressed.

“ President Johnson asked the delegation to submit whom they would prefer to have as Provisional Governor.

“ To this they replied they had a list of five men, viz.: Aiken, McClahany, Boyce, Colonel Manning, late Governor, and B. F. Perry. All of them were spoken of as good men, but who had been more or less involved in the Rebellion. Mr. Perry was a District Judge in the Confederacy until a few weeks before it collapsed, and is said to have always been a good Union man and a gentlemen of strict integrity. The people certainly would respect him, and he could not fail to be acceptable.

“ The President said he knew Benjamin Perry well, having served with him in Congress. There was no spirit of vengeance or vindictiveness on the part of the Government, whose only desire was to restore the relations which formerly existed. He was not now prepared to give them an answer as to whom he should appoint. But at the Cabinet meeting next Tuesday he would repeat the substance of this interview, with a hope to the restoration which the gentlemen present earnestly desired.

“ The delegates seemed to be much pleased with the proceedings, and lingered for some time to individually converse with the President.”

The following interesting speech was made by President Johnson early in February, 1866, to a committee to him from the Legislature of Virginia:—

“ In reply, gentlemen, to the resolutions you have just presented to me, and the clear and forcible and concise remarks which you have made in explanation of the position of Virginia, I shall not attempt to make a formal speech, but simply

to enter into a plain conversation in regard to the condition of things in which we stand.

“As a premise to what I may say, permit me first to tender you my thanks for this visit, and next to express the gratification I feel in meeting so many intelligent, responsible, and respectable men of Virginia, bearing to me the sentiments which have been expressed in the resolutions of your Legislature, and the remarks accompanying them.

“They are, so far as they refer to the Constitution of the country, the sentiments and the principles embraced in the charter of the Government. The preservation of the Union has been, from my entrance into public life, one of my cardinal tenets. At the very incipency of this Rebellion I set my face against the dissolution of the Union of the States. I do not make this allusion for the purpose of bringing up anything which has transpired which may be regarded as of an unkind or unpleasant character; but I believed then, as I believe now, and as you have most unmistakably indicated, that the security and the protection of the rights of all the people were to be found in the Union; that we were certainly safer in the Union than we were out of it.

“Upon this conviction I based my opposition to the efforts which were made to destroy the Union. I have continued those efforts, notwithstanding the perils through which I have passed, and you are not unaware that the trial has been a severe one. When opposition to the Government came from one section of the country, and that the section in which my life had been passed, and with which my interests were identified, I stood, as I stand now, contending for the Union, and asseverating that the best and surest way to obtain our rights and to protect our interests was to remain in the Union, under the protection of the Constitution.

“The ordeal through which we have passed during the last four or five years demonstrates most conclusively that that opposition was right; and to-day, after the experiment has been made and has failed, after the demonstration has been most conclusively afforded that this Union can not be dissolved, that it was not designed to be dissolved, it is extremely gratifying to me to meet gentlemen as intelligent and as responsible as your-

selves, who are willing and anxious to accept, and do accept, the terms laid down in the Constitution, and in obedience to the laws made in pursuance thereof.

“We were at one period separated; the separation was to me painful in the extreme; but now, after having gone through a struggle in which the powers of the Government have been tried, when we have swung around to a point at which we meet to agree, and are willing to unite our efforts for the preservation of the Government, which I believe is the best in the world, it is exceedingly gratifying to me to meet you to-day, standing upon common ground, rallying around the Constitution and the Union of these States, the preservation of which, as I conscientiously and honestly believe, will result in the promotion and the advancement of this people.

“I repeat, I am gratified to meet you to-day, expressing the principles and announcing the sentiments to which you have given utterance, and I trust that the occasion will long be remembered. I have no doubt that your intention is to carry out and comply with every single principle laid down in the resolutions you have submitted. I know that some are distrustful; but I am one of those who have confidence in the judgment, in the integrity, in the intelligence, in the virtue of the great mass of the American people; and having such confidence, I am willing to trust them, and I thank God that we have not yet reached that point where we have lost all confidence in each other.

“The spirit of the Government can only be preserved, we can only become prosperous and great as a people, by mutual forbearance and confidence. Upon that faith and confidence alone can the Government be successfully carried on.

“On the cardinal principle of representation to which you refer I will make a single remark. That principle is inherent; it constitutes one of the fundamental elements of this Government. The Representatives of the States and of the people should have the qualifications prescribed by the Constitution of the United States, and those qualifications most unquestionably imply loyalty. He who comes as a Representative, having the qualifications prescribed by the Constitution to fit him to take a seat in either of the deliberative bodies which constitute

the National Legislature, must necessarily, according to the intendment of the Constitution, be a loyal man, willing to abide by and devoted to the Union and the Constitution of the States. He can not be for the Constitution, he can not be for the Union, he can not acknowledge obedience to all the laws, unless he is loyal. When the people send such men in good faith, they are entitled to representation through them.

“In going into the recent Rebellion or insurrection against the Government of the United States we erred; and in returning and resuming our relations with the Federal Government, I am free to say that all the responsible positions and places ought to be confined distinctly and clearly to men who are loyal. If there were only five thousand loyal men in a State, or a less number, but sufficient to take charge of the political machinery of the State, those five thousand men, or the lesser number, are entitled to it, if all the rest should be otherwise inclined. I look upon it as being fundamental that the exercise of political power should be confined to loyal men; and I regard that as implied in the doctrines laid down in these resolutions and in the eloquent address by which they have been accompanied. I may say, furthermore, that after having passed through the great struggle in which we have been engaged, we should be placed upon much more acceptable ground in resuming all our relations to the General Government if we presented men unmistakably and unquestionably loyal to fill the places of power. This being done, I feel that the day is not far distant—I speak confidently in reference to the great mass of the American people—when they will determine that this Union shall be made whole, and the great right of representation in the councils of the Nation be acknowledged.

“Gentlemen, that is a fundamental principle. ‘No taxation without representation’ was one of the principles which carried us through the Revolution. This great principle will hold good yet; and if we but perform our duty, if we but comply with the spirit of the resolutions presented to me to-day, the American people will maintain and sustain the great doctrines upon which the Government was inaugurated. It can be done, and it will be done; and I think that if the effort be fairly and fully made, with forbearance and with prudence,

and with discretion and wisdom, the end is not very far distant.

“It seems to me apparent that from every consideration the best policy which could be adopted at present would be a restoration of these States and of the Government upon correct principles. We have some foreign difficulties; but the moment it can be announced that the Union of the States is again complete, that we have resumed our career of prosperity and greatness, at that very instant, almost, all our foreign difficulties will be settled; for there is no power upon the earth which will care to have a controversy or a rupture with the Government of the United States under such circumstances.

“If these States be fully restored, the area for the circulation of the national currency, which is thought by some to be inflated to a very great extent, will be enlarged, the number of persons through whose hands it is to pass will be increased, the quantity of commerce in which it is to be employed as a medium of exchange will be enlarged; and then it will begin to approximate what we all desire, a specie standard. If all the States were restored; if peace and order reigned throughout the land, and all the industrial pursuits, all the avocations of peace, were again resumed, the day would not be very far distant when we could put into the commerce of the world \$250,000,000 or \$300,000,000 worth of cotton and tobacco, and the various products of the Southern States, which would constitute in part a basis of this currency.

“Then, instead of the cone being inverted, we should reverse the position, and put the base at the bottom, as it ought to be; and the currency of the country will rest on a sound and enduring basis; and surely that is a result which is calculated to promote the interests not only of one section but of the whole country, from one extremity to the other. Indeed, I look upon the restoration of these States as being indispensable to all our greatness.

“Gentlemen, I know nothing further that I could say in the expression of my feelings on this occasion—and they are not affected—more than to add that I shall continue in the same line of policy which I have pursued from the commencement of the Rebellion to the present period. My efforts have

been to preserve the Union of the States. I never, for a single moment, entertained the opinion that a State could withdraw from the Union of its own will. That attempt was made. It has failed. I continue to pursue the same line of policy which has been my constant guide. I was against dissolution. Dissolution was attempted; it has failed; and now I can not take the position that a State which attempted to secede is out of the Union, when I contended all the time that it could not go out, and that it never has been out. I can not be forced into that position. Hence, when the States and their people shall have complied with the requirements of the Government, I shall be in favor of their resuming their former relations to this Government in all respects.

“I do not intend to say anything personal, but you know as well as I do that at the beginning, and indeed before the beginning, of the recent gigantic struggle between the different sections of the country, there were extreme men South and there were extreme men North. I might make use of a homely figure, which is sometimes as good as any other, even in the illustrations of great and important questions, and say that it has been hammer, at one end of the line and anvil at the other; and this great Government, the best the world ever saw, was kept upon the anv’l and hammered before the Rebellion, and it has been hammered since the Rebellion; and there seems to be a disposition to continue the hammering until the Government shall be destroyed. I have opposed that system always, and I oppose it now.

“The Government, in the assertion of its powers and in the maintenance of the principles of the Constitution, has taken hold of one extreme, and with the strong arm of physical power has put down the Rebellion. Now, as we swing around the circle of the Union, with a fixed and unalterable determination to stand by it, if we find the counterpart or the duplicate of the same spirit that played to this feeling and these persons in the South, this other extreme, which stands in the way must get out of it, and the Government must stand unshaken and unmoved on its basis. The Government must be preserved.

“I will only say, in conclusion, that I hope all the people of this country, in good faith and in the fullness of their hearts,

will, upon the principles which you have enunciated here to-day, of the maintenance of the Constitution and the preservation of the Union, lay aside every other feeling for the good of our common country, and, with uplifted faces to Heaven, swear that our gods and our altars and all shall sink in the dust together rather than that this glorious Union shall not be preserved.

"I am gratified to find the loyal sentiment of the country developing and manifesting itself in these expressions; and now that the attempt to destroy the Government has failed at one end of the line, I trust we shall go on determined to preserve the Union in its original purity against all opposers.

"I thank you, gentlemen, for the compliment you have paid me, and I respond most cordially to what has been said in your resolutions and address, and I trust in God that the time will soon come when we can meet under more favorable auspices than we do now."

CHAPTER XII.

STATE OF PUBLIC AFFAIRS AT THE END OF 1865—FATE OF THE ASSASSINS—THIRTEENTH AMENDMENT TO THE CONSTITUTION—RECONSTRUCTION—THE PRESIDENT'S POLICY—MR. JOHNSON'S FIRST ANNUAL MESSAGE.

THE court which had been organized for the trial of the persons implicated in the assassination of President Lincoln completed its work after the examination of several hundred witnesses; and Mr. Johnson approved the sentence by which four of them, one being a woman, were hanged on the 7th of July, 1865, and the others, three to imprisonment for life, and one for six years. The bodies of these creatures were buried at the arsenal grounds at Washington, and with them that of the actual murderer of President Lincoln.

Shortly after this horrid event, Henry Wirz, the keeper of Andersonville Prison, was tried on the charge of being a traitor and murdering prisoners contrary to the laws of war and civilization, and he was also sentenced and hanged early in November, 1865. Wirz's main defense was that he was the mere instrument of others, and was acting under orders which he could not disobey, and not a few there were who deemed his plea a good one.

But time had begun to soften public feeling, and

forgiveness and mercy slowly took the place of vengeance. The President began to be censured for his severity in some quarters, and especially was he severely criticised for hanging the woman. The usual amount of "gush," ever displayed when woman is involved, was found in the newspapers; and yet, when the President saw that he had done enough, and began to bestow pardons where nothing else ultimately could have been done, the cry rose, hot and strong, against him for treachery to his promises and pretensions. That was the way Andy Johnson was making treason odious! And so, in a few months, with a very considerable class, from an object of admiration the President became a thing of disgust and ridicule. With them this feeling increased until before the close of his Administration he was only mentioned with contempt. To this day many of these persons hold the impression that Andrew Johnson was a treacherous, foolish, and very wicked President, because he failed to carry out their wishes, under the mistaken notion that he was under obligations to do so.

Although there was long a very decided opinion that Jefferson Davis should have been hanged, this finally settled down, in the minds of the more vehement, into a modified form of the old moral axiom: "Poor old devil! if he had got his deserts at the hands of Andrew Johnson, he would have expiated and ended his crimes and follies on the scaffold!"

At the present time there is a general, but undeemonstrative, conviction that President Johnson did

not abuse the pardoning power; and a candid review of his difficult Administration, in the light of the bad passions and political turbulence of the times, will fail, perhaps, to convince the mind that he did not do about the best and most he could or should have done in fulfilling his promise to make treason odious. Many thousands of the rebels were, perhaps, equally guilty, and a wholesale slaughter of these would have presented a spectacle which neither patriotism nor civilization could have justified. Both the memories of the past and the history of this country are better for things happening as they did, or no worse than they did.

By the time Congress assembled President Johnson had fallen into a very well-defined policy. Where the military commanders misinterpreted his purposes and crossed them, he went without hesitancy to the rescue. This was especially apparent in interference with his permission to the provisional governors to call upon the State militia instead of the regular soldiers for aid in issuing processes, and introducing the work of reorganization.

President Johnson had started out on the supposition or belief that the States engaged in the Rebellion had never been out of the Union. This had been the opinion of Mr. Lincoln, and this was always the opinion of most or all Union men of intelligence after the passage of the extravagant period at the outset. No State had power, either with or without the consent of all the other States, to separate itself from the Union. This was the theory of the friends

of the Union. That the South and some of its Northern sympathizers entertained the opposite view had very little to do with the true state of the case. If the South succeeded, the Government would simply be broken by revolutionary or rebellious force.

In the spring of 1865, Congress enacted what became the Thirteenth Amendment to the Constitution of the United States, as follows:—

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“SECTION 2. Congress shall have power to enforce this Article by appropriate legislation.”

The governments of Tennessee, Arkansas, Louisiana, and Virginia had been, to some extent, reorganized under Mr. Lincoln; and on the same principle, so far as it had been developed, President Johnson set out with the other States. He appointed provisional governors, refusing to recognize the State officers who had acted under the Rebellion; instructed them to call conventions, elect State officers, mainly according to the laws in practice at the beginning of the Rebellion, repudiate the rebel war debt, and ratify the Thirteenth Amendment to the Constitution, forever abolishing slavery, and repeal their ordinances of secession. He imposed these three conditions absolutely; and these being fulfilled with the necessary minor matters, he believed the States would be in a condition to assume their former position, their proper position, in the Union. This

was, briefly, the President's policy. He not only introduced no new elements into the politics of the States, but he did not consider it proper to do so, and was opposed to negro suffrage. He believed that was a question of the future, and should be left to the gradual development of public sentiment in the communities destined to be most influenced by it. He went so far as to accept the ratification of the anti-slavery amendment or addition to the Constitution on the part of several of the States, with a proviso to the effect that Congress should not legislate on the political condition of the freedmen. Although this position was inconsistent with the great principle he was constantly holding up, that a republican form of government should be guaranteed to every State, as it also was with most of his pretensions as a great leveler, he was wise, no doubt, in desiring that time should be allowed for preparing the country and the negro for this radical change.

Still this whole question of negro suffrage with the Democratic party, if it was not with President Johnson, was involved in the question of color and former condition of servitude. This sentiment was strengthened by the political consideration that these people to be enfranchised would constitute a vast, insurmountable force against them at the polls. The great mass of the negroes of the border Slave States, at least, were little, if any, less fit to exercise the right of suffrage than the majority of foreigners whom the Democrats gathered into their ranks with avidity; nor, indeed, were they much

less fit than the "poor white trash" who had mainly been voters, and no small proportion of the young white Americans, who were simply Democrats or Whigs by inheritance, not by principles of wisdom.

President Johnson was determined that no traces of the folly of secession should be left in the restored States, and when all these things had been removed, and the principle of universal freedom ratified and established, he believed he had gone as far as he should go, and under this condition of affairs the rebellious States would gradually assume their true places in the unbroken Union; and the country, in the quickest and best possible way, be restored to peace and prosperity. In the winter preceding the beginning of his Administration, Congress and President Lincoln had really laid the foundation of the plan on which he acted, and which was distinctively known as his policy, and opposed as such.

On the 4th of December, 1865, Congress assembled in what was termed the "first regular session of the Thirty-ninth Congress." Lafayette S. Foster, of Connecticut, was President of the Senate, and hence Acting Vice-President, and John W. Forney was continued as Clerk of the Senate. Schuyler Colfax, of Indiana, was chosen Speaker of the House, and Edward McPherson, of Pennsylvania, Clerk. Both Houses were strongly Union, or Republican. The Southern States which had, under President Johnson's plan, elected Congressmen to both Houses, had, with few exceptions, chosen those called Democrats, but none of these States were

admitted to seats. The President now sent to Congress his

FIRST ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:—

To express gratitude to God, in the name of the people, for the preservation of the United States, is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the Nation is still fresh; it finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy, to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union; and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfill my trust I need the support and confidence of all who are associated with me in the various departments of Government, and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid; it is, to state with frankness, the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labors will, in a great measure, depend upon your and their undivided approbation.

The Union of the United States of America was intended by its authors to last as long as the States themselves shall last. "The Union shall be perpetual," are the words of the Confederation. "To form a more perfect Union" by an ordinance of the people of the United States is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the framing and the adopting of that instrument. It is, beyond comparison, the greatest event in American history; and, indeed, is it not, of all events in modern times, the most pregnant with consequences for every people of the earth? The members of the convention which prepared it brought to their work the experience of the Confederation, of their several States, and of other republican governments, old and new; but they needed,

and they obtained, a wisdom superior to experience. And when for its validity it required the approval of a people that occupied a large part of a continent, and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention and long discussion, all feelings and all opinions were ultimately drawn in one way to its support?

The Constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and insure domestic tranquillity. In case of the usurpation of the government of a State by one man, or an oligarchy, it becomes a duty of the United States to make good the guarantee to that State of a republican form of government, and so to maintain the homogeneity of all. Does the lapse of time reveal defects? A simple mode of amendment is provided in the Constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their complete integrity by every patriotic Chief Magistrate, by Jefferson and Jackson, not less than by Washington and Madison. The parting advice of the Father of his Country, while yet President, to the people of the United States, was that "the free Constitution, which was the work of their hands, might be sacredly maintained;" and the inaugural words of President Jefferson held up "the preservation of the General Government, in its Constitutional vigor, as the sheet-anchor of our peace at home and safety abroad." The Constitution is the work of "the people of the United States," and it should be as indestructible as the people.

It is not strange that the framers of the Constitution, which had no model in the past, should not have fully comprehended the excellence of their own work. Fresh from a struggle against arbitrary power, many patriots suffered from harassing fears of an absorption of the State governments by the General Government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehension of encroachments by the General Government. The subjects that come unquestionably

within its jurisdiction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it. Were it otherwise, the Executive would sink beneath the burden; the channels of justice would be choked; legislation would be obstructed by excess; so that there is a greater temptation to exercise some of the functions of the General Government through the States than to trespass on their rightful sphere. "The absolute acquiescence in the decisions of the majority," was, at the beginning of the century, enforced by Jefferson "as the vital principle of republics," and the events of the last four years have established—we will hope forever—that there lies no appeal to force.

The maintenance of the Union brings with it "the support of the State Governments in all their rights;" but it is not one of the rights of any State government to renounce its own place in the Union, or to nullify the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the Federal Government; but there is no appeal from its laws, except to the various branches of that Government itself, or to the people, who grant to the members of the Legislative and of the Executive Department no tenure but a limited one, and in that manner always retain the powers of redress.

"The sovereignty of the States" is the language of the Confederacy, and not the language of the Constitution. The latter contains the emphatic words: "The Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

Certainly the Government of the United States is a limited government; and so is every State government a limited government. With us this idea of limitation spreads through every form of administration, general, State, and municipal, and rests on the great distinguishing principle of the recognition of the rights of man. The ancient republics absorbed the individual in the State, prescribed his religion, and controlled his activity. The American system rests on the assertion of the

equal right of every man to life, liberty, and the pursuit of happiness; to freedom of conscience, to the culture and exercise of all his faculties. As a consequence, the State government is limited, as to the General Government in the interest of union, as to the individual citizen in the interest of freedom.

States, with proper limitations of power, are essential to the existence of the Constitution of the United States. At the very commencement, when we assumed a place among the powers of the earth, the Declaration of Independence was adopted by States; so also were the articles of Confederation; and when "the people of the United States" ordained and established the Constitution, it was the assent of the States, one by one, which gave it vitality. In the event, too, of any amendment to the Constitution, the proposition of Congress needs the confirmation of States. Without States, one great branch of the Legislative Government would be wanting. And, if we look beyond the letter of the Constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States is the "supreme authority" of the Constitution of the United States. The perpetuity of the Constitution brings with it the perpetuity of the States; their mutual relation makes us what we are, and in our political system their connection is indissoluble. The whole can not exist without the parts, nor the parts without the whole. So long as the Constitution of the United States endures, the States will endure; the destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

I have thus explained my views of the mutual relations of the Constitution and the States, because they unfold the principles on which I have sought to solve the momentous questions and overcome the appalling difficulties that met me at the very commencement of my Administration. It has been my steadfast object to escape from the sway of momentary passions, and to derive a healing policy from the fundamental and unchanging principles of the Constitution.

I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have

exhausted itself. The United States had recovered possession of their forts and arsenals; and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory, under military authority emanating from the President as the head of the army, was the first question that presented itself for decision.

Now, military governments, established for an indefinite period, would have offered no security for the early suppression of discontent; would have divided the people into the vanquishers and the vanquished; and would have envenomed hatred rather than have restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony; and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have followed in the train of the army would have been dependents on the General Government, or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast and populous and naturally wealthy region are greater than, unless under extreme necessity, I should be willing to intrust to any one man; they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The willful use of such powers, if continued through a period of years, would have endangered the purity of the general Administration and the liberties of the States which remained loyal.

Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the Rebellion had, by the act of those inhabitants, ceased to exist. But the true theory is, that all pretended acts of secession were, from the beginning, null and void. The States can not commit treason, nor screen the individual citizens who may have committed treason, any more than they can

make valid treaties, or engage in lawful commerce with any foreign power. The States attempting to secede placed themselves in a condition where their vitality was impaired, but not extinguished; their functions suspended, but not destroyed.

But if any State neglects or refuses to perform its offices, there is the more need that the General Government should maintain all its authority, and, as soon as practicable, resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end, provisional governors have been appointed for the States, conventions called, governors elected, Legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. At the same time, the courts of the United States, as far as could be done, have been reopened, so that the laws of the United States may be enforced through their agency. The blockade has been removed, and the custom-houses re-established in ports of entry, so that the revenue of the United States may be collected. The Post-office Department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post-office renews the facilities for social intercourse and of business. And is it not happy for us all that the restoration of each one of these functions of the General Government brings with it a blessing to the States over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union that, after all that has happened, the return of the General Government is known only as a beneficence?

I know very well that this policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken; in the choice of difficulties it is the smallest risk; and to diminish, and, if possible, to remove all danger, I

have felt it incumbent on me to assert one other power of the General Government, the power to pardon. As no State can throw a defense over the crime of treason, the power of pardon is exclusively vested in the Executive Government of the United States. In exercising that power, I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States, and an unqualified acknowledgment of the great social change of condition in regard to slavery which has grown out of the war.

The next step which I have taken to restore the Constitutional relations of the States, has been an invitation to them to participate in the high office of amending the Constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions, and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not too much to ask, in the name of the whole people, that, on the one side, the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion; and that, on the other, the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the Constitution, which provides for the abolition of slavery forever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment reunites us beyond all power of disruption. It heals the wound that is still imperfectly closed; it removes slavery, the element which has so long perplexed and divided the country; it makes of us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

The amendment to the Constitution being adopted, it would remain for the States, whose powers have been so long in abeyance, to resume their places in the two branches of the National Legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members.

The full assertion of the powers of the General Government requires the holding of circuit courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs, strong objections have been urged to holding those courts in any of the States where the Rebellion has existed; and it was ascertained, by inquiry, that the Circuit Court of the United States would not be held within the District of Virginia during the autumn or early winter, nor until Congress should have "an opportunity to consider and act on the whole subject." To your deliberations the restoration of this branch of the civil authority of the United States is therefore necessarily referred, with the hope that early provision will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated, the truth clearly established and affirmed that treason is a crime, that traitors should be punished and the offense made infamous, and, at the same time, that the question may be judicially settled, finally and forever, that no State, of its own will, has the right to renounce its place in the Union.

The relations of the General Government toward the four millions of inhabitants whom the war has called into freedom, have engaged my most serious consideration. On the propriety of attempting to make the freedmen electors by the proclamation of the Executive, I took for my counsel the Constitution itself, the interpretations of that instrument by its authors and their contemporaries, and recent legislation by Congress. When, at the first movement toward independence, the Congress of

the United States instructed the several States to institute governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise. During the period of the Confederacy, there continued to exist a very great diversity in the qualifications of electors in the several States; and even within a State a distinction of qualifications prevailed with regard to the officers who were to be chosen. The Constitution of the United States recognizes these diversities when it enjoins that, in the choice of members of the House of Representatives of the United States, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." After the formation of the Constitution, it remained, as before, the uniform usage for each State to enlarge the body of its electors according to its own judgment; and, under this system, one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near it, is the general rule. So fixed was this reservation of power in the habits of the people, and so unquestioned has been the interpretation of the Constitution, that during the Civil War the late President never harbored the purpose—certainly never avowed the purpose—of disregarding it; and in the acts of Congress, during that period, nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure by the Executive from a policy which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen, by act of the President of the United States, must have been extended to all colored men, wherever found, and so must have established a change of suffrage in the Northern, Middle, and Western States, not less than in the Southern and Southwestern. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the Constitution or laws of the United States would have warranted.

On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once and absolutely, or introduced grad-

ually and with conditions. In my judgment, the freedmen, if they show patience and manly virtues, will sooner obtain a participation in the elective franchise through the States than through the General Government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it may prove that they will receive the kindest usages from some of those on whom they have heretofore most closely depended.

But while I have no doubt that now, after the close of the war, it is not competent for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right to labor, and their right to claim the just return of their labor. I can not too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must equally avoid hasty assumptions of any natural impossibility for the two races to live side by side in a state of mutual benefit and good will. The experiment involves us in no inconsistency; let us, then, go on and make that experiment in good faith, and not be too easily disheartened. The country is in need of labor, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to honorable and useful industry, where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The change in their condition is the substitution of labor by contract for the status of slavery. The freedmen can not fairly be accused of unwillingness to work, so long as a doubt remains about his freedom of choice in his pursuits, and the certainty of his recovering his stipulated wages. In this the interests of the employer and the employed coincide. The employer desires in his workmen spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so ought the other. The public interest will be best promoted if the several States will provide adequate protection

and remedies for the freedmen. Until this is in some way accomplished, there is no chance for the advantageous use of their labor; and the blame of ill-success will not rest on them.

I know that sincere philanthropy is earnest for the immediate realization of its remotest aims; but time is always an element in reform. It is one of the greatest acts on record to have brought four millions of people into freedom. The career of free industry must be fairly opened to them, and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable to any denial of justice. In all that relates to the destiny of the freedmen, we need not be too anxious to read the future; many incidents which, from a speculative point of view, might raise alarm, will quietly settle themselves.

Now that slavery is at an end, or near its end, the greatness of its evil, in the point of view of public economy, becomes more and more apparent. Slavery was essentially a monopoly of labor, and as such locked the States where it prevailed against the incoming of free industry. Where labor was the property of the capitalist, the white man was excluded from employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. With the destruction of the monopoly, free labor will hasten from all parts of the civilized world to assist in developing various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found as yet in any part of our country. And the future influx of population to them will be mainly from the North, or from the most cultivated nations of Europe. From the sufferings that have attended them during our late struggle, let us look away to the future, which is sure to be laden for them with greater prosperity than has ever before been known. The removal of the monopoly of slave labor is a pledge that those regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness, inventive genius, wealth, and industry.

Our Government springs from and was made for the people—not the people for the Government. To them it owes allegiance; from them it must derive its courage, strength, and wisdom. But, while the Government is thus bound to defer to the people, from whom it derives its existence, it should, from the very consideration of its origin, be strong in its power of resistance to the establishment of inequalities. Monopolies, perpetuities, and class legislation, are contrary to the genius of free government, and ought not to be allowed. Here, there is no room for favored classes or monopolies; the principle of our Government is that of equal laws and freedom of industry. Wherever monopoly attains a foothold, it is sure to be a source of danger, discord, and trouble. We shall but fulfill our duties as legislators by according “equal and exact justice to all men,” special privileges to none. The Government is subordinate to the people; but, as the agent and representative of the people, it must be held superior to monopolies, which, in themselves, ought never to be granted, and which, where they exist, must be subordinate and yield to the Government.

The Constitution confers on Congress the right to regulate commerce among the several States. It is of the first necessity, for the maintenance of the Union, that that commerce should be free and unobstructed. No State can be justified in any device to tax the transit of travel and commerce between States. The position of many States is such, that if they are allowed to take advantage of it for purposes of local revenue, the commerce between States might be injuriously burdened, or even virtually prohibited. It is best, while the country is still young, and while the tendency to dangerous monopolies of this kind is still feeble, to use the power of Congress so as to prevent any selfish impediment to the free circulation of men and merchandise. A tax on travel and merchandise, in their transit, constitutes one of the worst forms of monopoly, and the evil is increased if coupled with a denial of the choice of route. When the vast extent of our country is considered, it is plain that every obstacle to the free circulation of commerce between the States ought to be sternly guarded against by appropriate legislation, within the limits of the Constitution.

The report of the Secretary of the Interior explains the

condition of the public lands, the transactions of the Patent-office and the Pension Bureau, the management of our Indian affairs, the progress made in the construction of the Pacific Railroad, and furnishes information in reference to matters of local interest in the District of Columbia. It also presents evidence of the successful operation of the Homestead Act, under the provisions of which 1,160,533 acres of the public lands were entered during the last fiscal year—more than one-fourth of the whole number of acres sold or otherwise disposed of during that period. It is estimated that the receipts derived from this source are sufficient to cover the expenses incident to the survey and disposal of the lands entered under this act, and that payments in cash to the extent of from forty to fifty per cent will be made by settlers, who may thus at any time acquire title before the expiration of the period at which it would otherwise vest. The homestead policy was established only after long and earnest resistance; experience proves its wisdom. The lands, in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

The lamentable events of the last four years, and the sacrifices made by the gallant men of our army and navy, have swelled the records of the Pension Bureau to an unprecedented extent. On the 30th day of June last the total number of pensioners was 85,986, requiring for their annual pay, exclusive of expenses, the sum of \$8,023,445. The number of applications that have been allowed since that date will require a large increase of this amount for the next fiscal year. The means for the payment of the stipends due under existing laws to our disabled soldiers and sailors, and to the families of such as have perished in the service of the country, will no doubt be cheerfully and promptly granted. A grateful people will not hesitate to sanction any measures having for their object the relief of soldiers mutilated and families made fatherless in the efforts to preserve our national existence.

The report of the Postmaster-General presents an encouraging exhibit of the operations of the Post-office Department during the year. The revenues of the past year from the loyal

States alone, exceeding the maximum annual receipts from all the States previous to the Rebellion, in the sum of \$6,038,091, and the annual average increase of revenue during the last four years, compared with the revenues of the four years immediately preceding the Rebellion, was \$3,533,845. The revenues of the last fiscal year amounted to \$14,556,158, and the expenditures to \$13,694,728, leaving a surplus of receipts over expenditures of \$861,430. Progress has been made in restoring the postal service in the Southern States. The views presented by the Postmaster-General against the policy of granting subsidies to ocean mail steamship lines upon established routes, and in favor of continuing the present system, which limits the compensation for ocean service to the postage earnings, are recommended to the careful consideration of Congress.

It appears, from the report of the Secretary of the Navy, that while, at the commencement of the present year, there were in commission 530 vessels of all classes and descriptions, armed with 3,000 guns, and manned by 51,000 men, the number of vessels at present in commission is 117, with 830 guns, and 12,128 men. By this prompt reduction of the naval forces the expenses of the Government have been largely diminished, and a number of vessels, purchased for naval purposes from the merchant marine, have been returned to the peaceful pursuits of commerce. Since the suppression of active hostilities our foreign squadrons have been re-established, and consist of vessels much more efficient than those employed on similar service previous to the Rebellion. The suggestion for the enlargement of the navy-yards, and especially for the establishment of one in fresh water, for iron-clad vessels, is deserving of consideration, as is also the recommendation for a different location and more ample grounds for the Naval Academy.

In the report of the Secretary of War a general summary is given of the military campaigns of 1864 and 1865, ending in the suppression of armed resistance to the national authority in the insurgent States. The operations of the general administrative bureaus of the War Department during the past year are detailed, and an estimate made of the appropriations that will be required for military purposes in the fiscal year commencing the 30th day of June, 1866. The national military

force on the 1st of May, 1865, numbered 1,000,516 men. It is proposed to reduce the military establishment to a peace footing, comprehending 50,000 troops of all arms, organized so as to admit of an enlargement by filling up the ranks to 82,600, if the circumstances of the country should require an augmentation of the army. The volunteer force has already been reduced by the discharge from service of over 800,000 troops, and the Department is proceeding rapidly in the work of further reduction. The war estimates are reduced from \$516,240,131 to \$33,814,461, which amount, in the opinion of the Department, is adequate for a peace establishment. The measures of retrenchment in each bureau and branch of the service exhibit a diligent economy worthy of commendation. Reference is also made in the report to the necessity of providing for a uniform militia system, and to the propriety of making suitable provision for wounded and disabled officers and soldiers.

The revenue system of the country is a subject of vital interest to its honor and prosperity, and should command the earnest consideration of Congress. The Secretary of the Treasury will lay before you a full and detailed report of the receipts and disbursements of the last fiscal year, of the first quarter of the present fiscal year, of the probable receipts and expenditures for the other three quarters, and the estimates for the year following the 30th of June, 1866. I might content myself with a reference to that report, in which you will find all the information required for your deliberations and decision. But the paramount importance of the subject so presses itself on my own mind, that I can not but lay before you my views of the measures which are required for the good character, and, I might almost say, for the existence of this people. The life of a republic lies certainly in the energy, virtue, and intelligence of its citizens; but it is equally true that a good revenue system is the life of an organized government. I meet you at a time when the Nation has voluntarily burdened itself with a debt unprecedented in our annals. Vast as is its amount, it fades away into nothing when compared with the countless blessings that will be conferred upon our country and upon man by the preservation of the Nation's life. Now, on the first occasion of the meeting of Congress since the return of peace,

it is of the utmost importance to inaugurate a just policy, which shall at once be put in motion, and which shall commend itself to those who come after us for its continuance. We must aim at nothing less than the complete effacement of the financial evils that necessarily followed a state of civil war. We must endeavor to apply the earliest remedy to the deranged state of the currency, and not shrink from devising a policy which, without being oppressive to the people, shall immediately begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definitely fixed number of years.

It is our first duty to prepare in earnest for our recovery from the ever-increasing evils of an irredeemable currency, with a sudden revulsion, and yet without untimely procrastination. For that end we must, each in our respective positions, prepare the way. I hold it the duty of the Executive to insist upon frugality in the expenditures; and a sparing economy is itself a great national resource. Of the banks to which authority has been given to issue notes secured by bonds of the United States we may require the greatest moderation and prudence, and the law must be rigidly enforced when its limits are exceeded. We may, each one of us, counsel our active and enterprising countrymen to be constantly on their guard; to liquidate debts contracted in a paper currency, and, by conducting business as nearly as possible on a system of cash payments or short credits, to hold themselves prepared to return to the standard of gold and silver. To aid our fellow-citizens in the prudent management of their monetary affairs, the duty devolves on us to diminish by law the amount of paper money now in circulation. Five years ago the bank-note circulation of the country amounted to not much more than two hundred millions; now the circulation, bank and national, exceeds seven hundred millions. The simple statement of the fact recommends more strongly than any words of mine could do the necessity of our restraining this expansion. The gradual reduction of the currency is the only measure that can save the business of the country from disastrous calamities; and this can be almost imperceptibly accomplished by gradually funding the national circulation in securities that may be made redeemable at the pleasure of the Government.

Our debt is doubly secure: first in the actual wealth and still greater undeveloped resources of the country; and next in the character of our institutions. The most intelligent observers among political economists have not failed to remark that the public debt of a country is safe in proportion as its people are free; that the debt of a republic is the safest of all. Our history confirms and establishes the theory, and is, I firmly believe, destined to give it a still more signal illustration. The secret of this superiority springs not merely from the fact that, in a republic, the national obligations are distributed more widely through countless numbers in all classes of society: it has its root in the character of our laws. Here all men contribute to the public welfare, and bear their fair share of the public burdens. During the War, under the impulses of patriotism, the men of the great body of the people, without regard to their own comparative want of wealth, thronged to our armies and filled our fleets of war, and held themselves ready to offer their lives for the public good. Now, in their turn, the property and income of the country should bear their just proportion of the burden of taxation; while in our impost system, through means of which increased vitality is incidentally imparted to all the industrial interests of the Nation, the duties should be so adjusted as to fall most heavily on articles of luxury, leaving the necessities of life as free from taxation as the absolute wants of the Government, economically administered, will justify. No favored class should demand freedom from assessment; and the taxes should be so distributed as not to fall unduly on the poor, but rather on the accumulated wealth of the country. We should look at the national debt just as it is—not as a national blessing, but as a heavy burden on the industry of the country, to be discharged without unnecessary delay.

It is estimated by the Secretary of the Treasury that the expenditures for the fiscal year ending the 30th of June, 1866, will exceed the receipts \$112,194,947. It is gratifying, however, to state that it is also estimated that the revenue for the year ending the 30th of June, 1867, will exceed the expenditures in the sum of \$111,682,818. This amount, or so much as may be deemed sufficient for the purpose, may be applied to the reduction of the public debt, which, on the 31st day of

October, 1865, was \$2,740,854,750. Every reduction will diminish the total amount of interest to be paid, and so enlarge the means of still further reductions, until the whole shall be liquidated; and this, as will be seen from the estimates of the Secretary of the Treasury, may be accomplished by annual payments even within a period not exceeding thirty years. I have faith that we shall do all this within a reasonable time; that, as we have amazed the world by the suppression of a civil war which was thought to be beyond the control of any government, so we shall equally show the superiority of our institutions by the prompt and faithful discharge of our national obligations.

The Department of Agriculture, under its present direction, is accomplishing much in developing and utilizing the vast agricultural capabilities of the country, and for information respecting the details of its management, reference is made to the annual report of the Commissioner.

I have dwelt thus fully on our domestic affairs because of their transcendent importance. Under any circumstances, our great extent of territory and variety of climate, producing almost everything that is necessary for the wants, and even the comforts, of man, makes us singularly independent of the varying policy of foreign powers, and protects us against every temptation to "entangling alliances," while at the present moment the re-establishment of harmony, and the strength that comes from harmony, will be our best security against "nations who feel power and forget right." For myself, it has been, and it will be, my constant aim to promote peace and amity with all foreign nations and powers; and I have every reason to believe that they all, without exception, are animated by the same disposition. Our relations with the emperor of China, so recent in their origin, are most friendly. Our commerce with his dominions is receiving new developments; and it is very pleasing to find that the government of that great empire manifests satisfaction with our policy, and reposes just confidence in the fairness which marks our intercourse. The unbroken harmony between the United States and the emperor of Russia is receiving a new support from an enterprise designed to carry telegraphic lines across the continent of Asia, through his

dominions, and so to connect us with all Europe by a new channel of intercourse. Our commerce with South America is about to receive encouragement by a direct line of mail steamships to the rising empire of Brazil. The distinguished party of men of science who have recently left our country to make a scientific exploration of the natural history and rivers and mountain ranges of that region, have received from the emperor that generous welcome which was to have been expected from his constant friendship for the United States, and his well-known zeal in promoting the advancement of knowledge. A hope is entertained that our commerce with the rich and populous countries that border the Mediterranean Sea may be largely increased. Nothing will be wanting on the part of this Government to extend the protection of our flag over the enterprise of our fellow-citizens. We receive from the powers in that region assurances of good-will; and it is worthy of note that a special envoy has brought us messages of condolence on the death of our late Chief Magistrate from the bey of Tunis, whose rule includes the old dominions of Carthage, on the African coast.

Our domestic contest, now happily ended, has left some traces in our relations with one at least of the great maritime powers. The formal accordance of belligerent rights to the insurgent States was unprecedented, and has not been justified by the issue. But in the systems of neutrality pursued by the powers which made that concession, there was a marked difference. The materials of war for the insurgent States were furnished, in a great measure, from the workshops of Great Britain; and British ships, manned by British subjects, and prepared for receiving British armaments, sallied from the ports of Great Britain to make war on American commerce, under the shelter of a commission from the insurgent States. These ships, having once escaped from British ports, ever afterward entered them in every part of the world, to refit, and so to renew their depredations. The consequences of this conduct were most disastrous to the States then in rebellion, increasing their desolation and misery by the prolongation of our civil contest. It had, moreover, the effect, to a great extent, to drive the American flag from the sea, and to transfer much of

our shipping and our commerce to the very power whose subjects had created the necessity for such a change. These events took place before I was called to the administration of the Government. The sincere desire for peace by which I am animated led me to approve the proposal, already made, to submit the questions which had thus arisen between the countries to arbitration. These questions are of such moment that they must have commanded the attention of the great powers, and are so interwoven with the peace and interests of every one of them as to have insured an impartial decision. I regret to inform you that Great Britain declined the arbitrament, but, on the other hand, invited us to the formation of a joint commission to settle mutual claims between the two countries, from which those for the depredations before mentioned should be excluded. The proposition, in that very unsatisfactory form, has been declined.

The United States did not present the subject as an impeachment of the good faith of a power which was professing the most friendly disposition, but as involving questions of public law, of which the settlement is essential to the peace of nations; and, though pecuniary reparation to their injured citizens would have followed incidentally on a decision against Great Britain, such compensation was not their primary object. They had a higher motive, and it was in the interests of peace and justice to establish important principles of international law. The correspondence will be placed before you. The ground on which the British Minister rests his justification is, substantially, that the municipal law of a nation, and the domestic interpretations of that law, are the measure of its duty as a neutral; and I feel bound to declare my opinion, before you and before the world, that that justification can not be sustained before the tribunal of nations. At the same time I do not advise to any present attempt at redress by acts of legislation. For the future, friendship between the two countries must rest on the basis of mutual justice.

From the moment of the establishment of our free Constitution, the civilized world has been convulsed by revolutions in the interests of democracy or of monarchy; but through all those revolutions the United States have wisely and firmly

refused to become propagandists of republicanism. It is the only government suited to our condition; but we have never sought to impose it on others; and we have consistently followed the advice of Washington, to recommend it only by the careful preservation and prudent use of the blessing. During all the intervening period the policy of European powers and of the United States has, on the whole, been harmonious. Twice, indeed, rumors of the invasion of some parts of America, in the interest of monarchy, have prevailed; twice my predecessors have had occasion to announce the views of this Nation in respect to such interference. On both occasions the remonstrance of the United States was respected, from a deep conviction, on the part of European governments, that the system of non-interference and mutual abstinence from propagandism was the true rule for the two hemispheres. Since those times we have advanced in wealth and power; but we retain the same purpose to leave the nations of Europe to choose their own dynasties and form their own systems of government. This consistent moderation may justly demand a corresponding moderation. We should regard it as a great calamity to ourselves, to the cause of good government, and to the peace of the world, should any European power challenge the American people, as it were, to the defense of republicanism against foreign interference. We can not foresee, and are unwilling to consider what opportunities might present themselves, what combinations might offer to protect ourselves against designs inimical to our form of government. The United States desire to act in the future as they have ever acted heretofore; they never will be driven from that course but by the aggression of European powers, and we rely on the wisdom and justice of those powers to respect the system of non-interference which has so long been sanctioned by time, and which, by its good results, has approved itself to both continents.

The correspondence between the United States and France, in reference to questions which have become subjects of discussion between the two governments, will, at the proper time, be laid before Congress.

When, on the organization of our Government, under the Constitution, the President of the United States delivered his

inaugural address to the two Houses of Congress, he said to them, and through them to the country and to mankind, that the "preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the American people." And the House of Representatives answered Washington by the voice of Madison: "We adore the invisible hand which has led the American people, through so many difficulties, to cherish a conscious responsibility for the destiny of republican liberty." More than seventy-six years have glided away since these words were spoken; the United States have passed through severer trials than were foreseen; and now, at this new epoch in our existence as one Nation, with our Union purified by sorrows and strengthened by conflict, and established by the virtue of the people, the greatness of the occasion invites us once more to repeat, with solemnity, the pledges of our fathers to hold ourselves answerable before our fellow-men for the success of the republican form of government. Experience has proved its sufficiency in peace and in war; it has vindicated its authority through dangers and afflictions and sudden and terrible emergencies, which would have crushed any system that had been less firmly fixed in the heart of the people. At the inauguration of Washington the foreign relations of the country were few, and its trade was repressed by hostile regulations; now all the civilized nations of the globe welcome our commerce, and their governments profess toward us amity. Then our country felt its way hesitatingly along an untried path, with States so little bound together by rapid means of communication as to be hardly known to one another, and with historic traditions extending over very few years; now intercourse between the States is swift and intimate; the experience of centuries has been crowded into a few generations, and has created an intense, indestructible nationality. Then our jurisdiction did not reach beyond the inconvenient boundaries of the territory which had achieved independence; now, through cessions of lands, first colonized by Spain and France, the country has acquired a more complex character, and has for its natural limits the chain of lakes, the Gulf of Mexico, and on the east and west the two great oceans. Other nations were

wasted by civil wars for ages before they could establish for themselves the necessary degree of unity; the latent conviction that our form of government is the best ever known to the world, has enabled us to emerge from civil war within four years, with a complete vindication of the Constitutional authority of the General Government, and with our local liberties and State institutions unimpaired. The throngs of emigrants that crowd to our shores are witnesses of the confidence of all peoples in our permanence. Here is the great land of free labor, where industry is blessed with unexampled rewards, and the bread of the workingman is sweetened by the consciousness that the cause of the country "is his own cause, his own safety, his own dignity." Here every one enjoys the free use of his faculties and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteen-fold within a century. Here, through the easy development of boundless resources, wealth has increased with twofold greater rapidity than numbers, so that we have become secure against the financial vicissitudes of other countries, and, alike in business and in opinion, are self-centered and truly independent. Here more and more care is given to provide education for every one born on our soil. Here religion, released from political connection with the civil government, refuses to subserve the craft of statesmen, and becomes, in its independence, the spiritual life of the people. Here toleration is extended to every opinion, in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science, to collect stores of knowledge and acquire an ever-increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute in reality a people. Here exists the democratic form of government; and that form of government, by the confession of European statesmen, "gives a power of which no other form is capable, because it incorporates every man with the State, and arouses everything that belongs to the soul."

Where, in past history, does a parallel exist to the public

happiness which is within the reach of the people of the United States? Where, in any part of the globe, can institutions be found so suited to their habits or so entitled to their love as their own free Constitution? Every one of them, then, in whatever part of the land he has his home, must wish its perpetuity. Who of them will not acknowledge, in the words of Washington, that "every step by which the people of the United States have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency?" Who will not join with me in the prayer, that the invisible Hand which has led us through the clouds that gloomed around our path, will so guide us onward to a perfect restoration of fraternal affection, that we of this day may be able to transmit our great inheritance of State governments in all their rights, of the General Government in its whole Constitutional vigor, to our posterity, and they to theirs, through countless generations?

The President here clearly defines his policy and gives his reasons for what he had already done, not neglecting to do ample justice to Great Britain. Without further reference to this message at present, I venture the suggestion that it will stand the test of the criticism of this day, and I commend it to the politician and the patriot as an almost faultless paper, from whatever point it may be viewed.

CHAPTER XIII.

CONGRESS AND THE PRESIDENT—THE COMMITTEE ON RECONSTRUCTION—THE TWO WAYS NOT RIGHT—THE VETO AND THE VETO—THE EXECUTIVE OVERTHROWN BUT UNCONQUERED—THE CONGRESSIONAL PLAN OF RECONSTRUCTION—PUBLIC MOVEMENTS IN THE WORK OF RECONSTRUCTION — THE PRESIDENT “SWINGS AROUND THE CIRCLE.”

HOWEVER well the President's message sounded, his acts had gone before his words, and the gravest fears were already formed as to the effects of his policy in the South. Whether these fears were well founded or not, Congress convened, with a large majority of its members thoroughly aroused and ready to oppose the course he had taken. His patriotism was not questioned, but it was believed he had set out with a plan which would rob the country, to a great extent, of the benefits and fruits of the successful termination of the Rebellion; and with this view of the situation, the work of reconstruction was at once entered upon in that body, ending in the complete overthrow of the President and his policy. His course had greatly revived an interest in national politics in the South. Members of Congress had been elected in most of the insurrectionary States, and soon after the organization these men began to present themselves for seats

as the Representatives of States which a very considerable class of politicians began to consider deprived of all the rights and privileges of States by their acts of rebellion; but with the exception of those from Tennessee, they were all finally refused seats. During the seven or eight months of Mr. Johnson's Administration some interesting and noteworthy changes had taken place among the people and the political leaders, especially the latter.

It had long been feared by some earnest Union men, most of whom, perhaps, were War Democrats, that the Administration of Mr. Lincoln would fall into the theory, believed to be erroneous, that the Southern States should be treated as conquered provinces, and reduced to territorial condition, as having entirely lost their political features. Among these was Andrew Johnson. The following letter exhibits his early anxiety on this point:—

“NASHVILLE, November 24, 1863.

“To HON. M. BLAIR, Postmaster-General:—

“I hope that the President will not be committed to the proposition of States relapsing into Territories and held as such. If he steers clear of this extreme, his election to the next Presidency is without a reasonable doubt. I expected to have been in Washington before this time, when I could have conversed freely and fully in reference to the policy to be adopted by the Government; but it has been impossible for me to leave Nashville. I will be there soon. The institution of slavery is gone, and there is no good reason now for destroying the States to bring about the destruction of slavery.

“ANDREW JOHNSON.”

But Mr. Lincoln had not departed from this faith; and the entire war was conducted on the supposition in dealing with foreign nations, as well as with the rebels, that the States were not withdrawn from the Union. Neither the Administration nor any of its friends ever admitted for a moment that the power or jurisdiction of the United States was lost over the rebellious States. The theory was then put forth in the loudest tones: These States go in to make the integrity of the Union; they are part of the Nation; we will maintain the national integrity; we will put down this Rebellion; the war is for that purpose. This was the language both at home and abroad. The war was undertaken on this theory, and as great as was the task, few patriotic men ever lost their faith in the final triumph of the national cause. Nor was there much wavering or diversity as to the States being States still. The idea of taking the power to consider them Territories without organized governments, and treating them as such, had its origin merely in the strong feeling and sense of wrong which the country had received from the stupendous effort made to break it in pieces. The war was undertaken to disprove the false doctrine of secession, and the result was its utter overthrow.

As the war came to an end, many of the Republican leaders began to entertain the belief that the energetic treatment yet necessary in the South would render it convenient and, perhaps, essential to hold the insurrectionary States as recovered territory,

the rights of States having been lost by war and actual secession; whereas the Democrats, even the sympathizers among them who had believed in the theory of secession, now came out in support of the present position of the President and the former position of the entire war party, becoming champions of the theory of unbroken and eternal union. A large portion of the rebels, from one reason or another, espoused this way of thinking, or appeared to do so, and were ready without probation, preparation, or scruple, to rush back to the important and valuable places they had deserted, to have a hand in the work of reconstruction.

Early in the sitting of Congress an effort was made to turn that body entirely into the channel taken by the President. On the 21st of December, Mr. Voorhees, of Indiana, introduced these resolutions, which were laid over till the 9th of January, 1866, and then referred to the Committee on Reconstruction, where they were, with extremely doubtful propriety, buried:—

“Resolved, That the message of the President of the United States, delivered at the present Congress, is regarded by this body as an able and patriotic state paper.

“2. That the principles therein advocated for the restoration of the Union are the safest and most practicable that can now be applied to our disordered domestic affairs.

“3. That no State, or any number of States confederated together, can in any manner sunder their connection with the Federal Union, except by a total subversion of our present system of government; and that the President in enunciating this doctrine in his late message has but

given expression to the sentiments of all those who deny the right or power of a State to secede.

"4. That the President is entitled to the thanks of Congress and the country for his faithful, wise, and successful efforts to restore civil government, law, and order to those States whose citizens were lately in insurrection against the Federal authority; and we hereby pledge ourselves to aid, assist, and uphold him in the policy which he has adopted to give harmony, peace, and union to the country."

In June, 1866, this Committee on Reconstruction made interesting majority and minority reports, which showed clearly the course the contest was taking. Long before these reports were made the issue between the President and Congress had reached a state beyond which any "reagent" could act as a "remedy." On the 18th of December, 1865, it was announced that over the requisite two-thirds of all the States had ratified the Thirteenth Amendment to the Constitution declaring slavery abolished forever.

On the same day the President sent a message to Congress concerning the work of reconstruction which was then far advanced under his plan. This was accompanied by a letter from General Grant containing the result of his observations on a tour through the South. Between this letter and the report of the majority of the Committee on Reconstruction there was a great discrepancy, the General declaring that the South had utterly abandoned the false dogma of secession and had submitted cheerfully to the inevitable situation. He said: "There is such universal acquiescence in the authority of the General

Government throughout the portions of the country visited by me, that the mere presence of a military force, without regard to numbers, is sufficient to maintain order."

The difference between these reports was owing mainly to the difference of their dates. The mildness of the rule when severity was reasonably expected, caused a reaction as the rebels began to recover from the disappointment of their collapse; and the former arrogance began to display itself in word and deed.

On the 25th of January the Senate passed the following bill, and the House concurred on the 6th of February:—

"*Be it enacted, etc.*, That the Act to establish a bureau for the relief of freedmen and refugees approved March three, eighteen hundred and sixty-five, shall continue in force until otherwise provided by law, and shall extend to refugees and freedmen in all parts of the United States; and the President may divide the section of country containing such refugees and freedmen into districts, each containing one or more States, not to exceed twelve in number, and, by and with the advice and consent of the Senate, appoint an assistant commissioner for each of said districts, who shall give like bond, receive the compensation, and perform the duties prescribed by this and the act to which this is an amendment; or said bureau may, in the discretion of the President, be placed under a commissioner and assistant commissioners, to be detailed from the army; in which event each officer so assigned to duty shall serve without increase of pay or allowances.

"SEC. 2. That the commissioner, with the approval of the President, and when the same shall be necessary for the operations of the bureau, may divide each district into a number of sub-districts, not to exceed the number of counties or parishes in such district, and shall assign to each sub-district at least one

agent, either a citizen, officer of the army, or enlisted man, who, if an officer, shall serve without additional compensation or allowance, and if a citizen or enlisted man, shall receive a salary of not less than five hundred dollars nor more than twelve hundred dollars annually, according to the services rendered, in full compensation for such services; and such agent shall, before entering on the duties of his office, take the oath prescribed in the first section of the act to which this is an amendment. And the commissioner may, when the same shall be necessary, assign to each assistant commissioner not exceeding three clerks, and to each of said agents one clerk, at an annual salary not exceeding one thousand dollars each, provided suitable clerks can not be detailed from the army. And the President of the United States, through the War Department and the commissioner, shall extend military jurisdiction and protection over all employees, agents, and officers of this bureau in the exercise of the duties imposed or authorized by this act or the act to which this is additional.

“SEC. 3. That the Secretary of War may direct such issues of provisions, clothing, fuel and other supplies, including medical stores and transportation, and afford such aid, medical or otherwise, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen, their wives and children, under such rules and regulations as he may direct: *Provided*, that no person shall be deemed ‘destitute,’ ‘suffering,’ or ‘dependent upon the Government for support,’ within the meaning of this act, who, being able to find employment, could by proper industry and exertion avoid such destitution, suffering, or dependence.

“SEC. 4. That the President is hereby authorized to reserve from sale, or from settlement, under the homestead or pre-emption laws, and to set apart for the use of freedmen and loyal refugees, male or female, unoccupied public lands in Florida, Mississippi, Alabama, Louisiana, and Arkansas, not exceeding in all three millions of acres of good land; and the commissioner, under the direction of the President, shall cause the same from time to time to be allotted and assigned, in parcels not exceeding forty acres each, to the loyal refugees and freedmen, who shall be protected in the use and enjoyment

thereof for such term of time and at such annual rent as may be agreed on between the commissioner and such refugees or freedmen. The rental shall be based upon a valuation of the land, to be ascertained in such manner as the commissioner may, under the direction of the President, by regulation prescribe. At the end of such term, or sooner, if the commissioner shall assent thereto, the occupants of any parcels so assigned, their heirs and assigns, may purchase the land and receive a title thereto from the United States in fee, upon paying therefor the value of the land ascertained as aforesaid.

“SEC. 5. That the occupants of land under Major-General Sherman's special field-order, dated at Savannah, January sixteen, eighteen hundred and sixty-five, are hereby confirmed in their possession for the period of three years from the date of said order, and no person shall be disturbed in or ousted from said possession during said three years, unless a settlement shall be made with said occupant, by the former owner, his heirs or assigns, satisfactory to the Commissioner of the Freedmen's Bureau: *Provided*, that whenever the former owners of lands occupied under General Sherman's field-order shall make application for restoration of said lands, the commissioner is hereby authorized, upon the agreement and with the written consent of said occupants, to procure other lands for them by rent or purchase, not exceeding forty acres for each occupant, upon the terms and conditions named in section four of this act, or to set apart for them, out of the public lands assigned for that purpose in section four of this act, forty acres each, upon the same terms and conditions.

“SEC. 6. That the commissioner shall, under the direction of the President, procure in the name of the United States, by grant or purchase, such lands within the districts aforesaid as may be required for refugees and freedmen dependent on the Government for support; and he shall provide or cause to be erected suitable buildings for asylums and schools. But no such purchase shall be made, nor contract for the same entered into, nor other expense incurred, until after appropriations shall have been provided by Congress for such purposes. And no payment shall be made for lands purchased under this section, except for asylums and schools, from any moneys not

specifically appropriated therefor. And the commissioner shall cause such lands from time to time to be valued, allotted, assigned, and sold in manner and form provided in the fourth section of this act, at a price not less than the cost thereof to the United States.

“SEC. 7. That whenever in any State or district in which the ordinary course of judicial proceedings has been interrupted by the Rebellion, and wherein, in consequence of any State or local law, ordinance, police or other regulation, custom, or prejudice, any of the civil rights or immunities belonging to white persons, including the right to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to have full and equal benefit of all laws and proceedings for the security of person and estate, including the Constitutional right of bearing arms, are refused or denied to negroes, mulattoes, freedmen, refugees, or any other persons, on account of race, color, or any previous condition of slavery or involuntary servitude, or wherein they or any of them are subjected to any other or different punishment, pains, or penalties, for the commission of any act or offense than are prescribed for white persons committing like acts or offenses, it shall be the duty of the President of the United States, through the commissioner, to extend military protection and jurisdiction over all cases affecting such persons so discriminated against.

“SEC. 8. That any person who, under color of any State or local law, ordinance, police, or other regulation or custom, shall, in any State or district in which the ordinary course of judicial proceedings has been interrupted by the Rebellion, subject, or cause to be subjected, any negro, mulatto, freedman, refugee, or other person, on account of race or color, or any previous condition of slavery or involuntary servitude, or for any other cause, to the deprivation of any civil right secured to white persons, or to any other or different punishment than white persons are subject to for the commission of like acts or offenses, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both; and it shall be the duty of the officers and agents of this bureau to take jurisdiction of, and hear and

determine all offenses committed against the provisions of this section, and also of all cases affecting negroes, mulattoes, freedmen, refugees, or other persons who are discriminated against in any of the particulars mentioned in the preceding section of this act, under such rules and regulations as the President of the United States, through the War Department, shall prescribe. The jurisdiction conferred by this and the preceding section on the officers and agents of this bureau shall cease and determine whenever the discrimination on account of which it is conferred ceases, and is in no event to be exercised in any State in which the ordinary course of judicial proceedings has not been interrupted by the Rebellion, nor in any such State after said State shall have been fully restored in all its Constitutional relations to the United States, and the courts of the State and of the United States within the same are not disturbed or stopped in the peaceable course of justice.

“SEC. 9. That all acts, or parts of acts, inconsistent with the provisions of this act are hereby repealed.”

The President returned this important bill, without his signature, with the following message:—

“TO THE SENATE OF THE UNITED STATES:—

“I have examined with care the bill which originated in the Senate, and has been passed by the two Houses of Congress, to amend an Act entitled ‘An Act to establish a bureau for the relief of freedmen and refugees,’ and for other purposes. Having, with much regret, come to the conclusion that it would not be consistent with the public welfare to give my approval to the measure, I return the bill to the Senate with my objections to its becoming a law.

“I might call to mind, in advance of these objections, that there is no immediate necessity for the proposed measure. The Act to establish a bureau for the relief of freedmen and refugees, which was approved in the month of March last, has not yet expired. It was thought stringent and extensive enough for the purpose in view in time of war. Before it ceases to have effect, further experience may assist to guide us to a wise conclusion as to the policy to be adopted in time of peace.

“I share with Congress the strongest desire to secure to the freedmen the full enjoyment of their freedom and property, and their entire independence and equality in making contracts for their labor; but the bill before me contains provisions which, in my opinion, are not warranted by the Constitution, and are not well suited to accomplish the end in view.

“The bill proposes to establish, by authority of Congress, military jurisdiction over all parts of the United States containing refugees and freedmen. It would, by its very nature, apply with most force to those parts of the United States in which the freedmen most abound; and it expressly extends the existing temporary jurisdiction of the Freedmen’s Bureau, with greatly enlarged powers, over those States ‘in which the ordinary course of judicial proceedings has been interrupted by the Rebellion.’ The source from which this military jurisdiction is to emanate is none other than the President of the United States, acting through the War Department and the Commissioner of the Freedmen’s Bureau. The agents to carry out this military jurisdiction are to be selected either from the army or from civil life. The country is to be divided into districts and sub-districts, and the number of salaried agents to be employed may be equal to the number of counties or parishes in all the United States where freedmen and refugees are to be found.

“The subjects over which this military jurisdiction is to extend in every part of the United States include protection to ‘all employees, agents, and officers of this bureau in the exercise of the duties imposed’ upon them by the bill. In eleven States it is further to extend over all cases affecting freedmen and refugees discriminated against ‘by local law, custom, or prejudice.’ In those eleven States the bill subjects any white person who may be charged with depriving a freedmen of ‘any civil rights or immunities belonging to white persons’ to imprisonment or fine, or both, without, however, defining the ‘civil rights and immunities’ which are thus to be secured to the freedmen by military law. This military jurisdiction also extends to all questions that may arise respecting contracts. The agent who is thus to exercise the office of a military judge may be a stranger, entirely ignorant of the laws of the place, and exposed to the errors of judgment to which all men are

liable. The exercise of power, over which there is no legal supervision, by so vast a number of agents as is contemplated by the bill, must, by the very nature of man, be attended by acts of caprice, injustice, and passion.

"The trials, having their origin under this bill, are to take place without the intervention of a jury, and without any fixed rules of law or evidence. The rules on which offenses are to be 'heard and determined' by the numerous agents are such rules and regulations as the President, through the War Department, 'shall prescribe. No previous presentment is required, nor any indictment charging the commission of a crime against the laws; but the trial must proceed on charges and specifications. The punishment will be, not what the law declares, but such as a court-martial may think proper; and from these arbitrary tribunals there lies no appeal, no writ of error to any of the courts in which the Constitution of the United States vests exclusively the judicial power of the country.

"While the territory and the classes of actions and offenses that are made subject to the measure are so extensive, the bill itself, should it become a law, will have no limitation in point of time, but will form a part of the permanent legislation of the country. I can not reconcile a system of military jurisdiction of this kind with the words of the Constitution, which declare that 'no person shall be held to answer for a capital or otherwise infamous crime unless upon a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service in time of war or public danger;' and that 'in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed.' The safeguards which the experience and wisdom of ages taught our fathers to establish as securities for the protection of the innocent, the punishment of the guilty, and the equal administration of justice, are to be set aside; and, for the sake of a more vigorous interposition in behalf of justice, we are to take the risks of the many acts of injustice that would necessarily follow from an almost countless number of agents, established in every parish or county, in nearly a third of the States of the Union, over whose decisions

there is to be no supervision or control by the Federal courts. The power that would be thus placed in the hands of the President is such as in time of peace certainly ought never to be intrusted to any one man.

“If it be asked whether the creation of such a tribunal within a State is warranted as a measure of war, the question immediately presents itself whether we are still engaged in war. Let us not unnecessarily disturb the commerce and credit and industry of the country by declaring to the American people and to the world that the United States are still in a condition of civil war. At present there is no part of our country in which the authority of the United States is disputed. Offenses that may be committed by individuals should not work a forfeiture of the rights of whole communities. The country has returned, or is returning, to a state of peace and industry, and the Rebellion is, in fact, at an end. The measure, therefore, seems to be as inconsistent with the actual condition of the country as it is at variance with the Constitution of the United States.

“If, passing from general considerations, we examine the bill in detail, it is open to weighty objections.

“In time of war it was eminently proper that we should provide for those who were passing suddenly from a condition of bondage to a state of freedom. But this bill proposes to make the Freedmen’s Bureau, established by the Act of 1865, as one of many great and extraordinary military measures to suppress a formidable rebellion, a permanent branch of the public administration, with its powers greatly enlarged. I have no reason to suppose, and I do not understand it to be alleged, that the Act of March, 1865, has proved deficient for the purpose for which it was passed, although at that time, and for a considerable period thereafter, the Government of the United States remained unacknowledged in most of the States whose inhabitants had been involved in the Rebellion. The institution of slavery, for the military destruction of which the Freedmen’s Bureau was called into existence as an auxiliary, has been already effectually and finally abrogated throughout the whole country by an amendment of the Constitution of the United States, and practically its eradication has received the

assent and concurrence of most of those States in which it at any time had an existence. I am not, therefore, able to discern in the condition of the country anything to justify an apprehension that the powers and agencies of the Freedmen's Bureau, which were effective for the protection of freedmen and refugees during the actual continuance of hostilities and of African servitude, will now, in a time of peace, and after the abolition of slavery, prove inadequate to the same proper ends. If I am correct in these views, there can be no necessity for the enlargement of the powers of the bureau for which provision is made in the bill.

“The third section of the bill authorizes a general and unlimited grant of support to the destitute and suffering refugees and freedmen, their wives and children. Succeeding sections make provision for the rent or purchase of landed estates for freedmen, and for the erection for their benefit of suitable buildings for asylums and schools, the expenses to be defrayed from the treasury of the whole people. The Congress of the United States has never heretofore thought itself empowered to establish asylums beyond the limits of the District of Columbia, except for the benefit of our disabled soldiers and sailors. It has never founded schools for any class of our own people, not even for the orphans of those who have fallen in the defense of the Union; but has left the care of education to the much more competent and efficient control of the States, of communities, of private associations, and of individuals. It has never deemed itself authorized to expend the public money for the rent or purchase of homes for the thousands, not to say millions, of the white race who are honestly toiling from day to day for their subsistence. A system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution; nor can any good reason be advanced why, as a permanent establishment, it should be founded for one class or color of our people more than another. Pending the war many refugees and freedmen received support from the Government; but it was never intended that they should thenceforth be fed, clothed, educated, and sheltered by the United States. The idea on which the slaves were assisted to freedom was, that on becoming free they would be a self-sustaining popu-

lation. Any legislation that shall imply that they are not expected to attain a self-sustaining condition must have a tendency injurious alike to their character and their prospects.

“The appointment of an agent for every county and parish will create an immense patronage; and the expense of the numerous officers and their clerks, to be appointed by the President, will be great in the beginning, with a tendency steadily to increase. The appropriations asked by the Freedmen’s Bureau, as now established for the year 1866, amount to \$11,745,000. It may be safely estimated that the cost to be incurred under the pending bill will require double that amount—more than the entire sum expended in any one year under the Administration of the second Adams. If the presence of agents in every parish and county is to be considered as a war measure, opposition, or even resistance, might be provoked; so that, to give effect to their jurisdiction, troops would have to be stationed within reach of every one of them, and thus a large standing force be rendered necessary. Large appropriations would therefore be required to sustain and enforce military jurisdiction in every county or parish from the Potomac to the Rio Grande. The condition of our fiscal affairs is encouraging; but, in order to sustain the present measure of public confidence, it is necessary that we practice, not merely customary economy, but, as far as possible, severe retrenchment.

“In addition to the objections already stated, the fifth section of the bill proposes to take away land from its former owners without any legal proceedings being first had, contrary to that provision of the Constitution which declares that no person shall ‘be deprived of life, liberty, or property without due process of law.’ It does not appear that a part of the lands to which this section refers may not be owned by minors, or persons of unsound mind, or by those who have been faithful to all their obligations as citizens of the United States. If any portion of the land is held by such persons, it is not competent for any authority to deprive them of it. If, on the other hand, it be found that the property is liable to confiscation, even then it can not be appropriated to public purposes until, by due process of law, it shall have been declared forfeited to the Government.

“There is still further objection to the bill on grounds seriously affecting the class of persons to whom it is designed to bring relief. It will tend to keep the mind of the freedman in a state of uncertain expectation and restlessness, while to those among whom he lives it will be a source of constant and vague apprehension.

“Undoubtedly the freedman should be protected; but he should be protected by the civil authorities, especially by the exercise of all the Constitutional powers of the courts of the United States and of the States. His condition is not so exposed as may at first be imagined. He is in a portion of the country where his labor can not well be spared. Competition for his services from planters, from those who are constructing or repairing railroads, and from capitalists in his vicinage, or from other States, will enable him to command almost his own terms. He also possesses a perfect right to change his place of abode; and if, therefore, he does not find in one community or State a mode of life suited to his desires, or proper remuneration for his labor, he can move to another, where that labor is more esteemed and better rewarded. In truth, however, each State, induced by its own wants and interests, will do what is necessary and proper to retain within its borders all the labor that is needed for the development of its resources. The laws that regulate supply and demand will maintain their force, and the wages of the laborer will be regulated thereby. There is no danger that the exceedingly great demand for labor will not operate in favor of the laborer.

“Neither is sufficient consideration given to the ability of the freedmen to protect and take care of themselves. It is no more than justice to them to believe that as they have received their freedom with moderation and forbearance, so they will distinguish themselves by their industry and thrift, and soon show the world that in a condition of freedom they are self-sustaining, capable of selecting their own employment and their own places of abode, of insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools. It is earnestly hoped that, instead of wasting away, they will, by their own efforts, establish for themselves a condition of respectability and prosperity. It is

certain that they can attain to that condition only through their own merits and exertions.

“In this connection the query presents itself whether the system proposed by the bill will not, when put into complete operation, practically transfer the entire care, support, and control of four millions of emancipated slaves to agents, overseers, or taskmasters, who, appointed at Washington, are to be located in every county and parish throughout the United States containing freedmen and refugees? Such a system would inevitably tend to a concentration of power in the Executive, which would enable him, if so disposed, to control the action of this numerous class, and use them for the attainment of his own political ends.

“I can not but add another very grave objection to this bill. The Constitution imperatively declares, in connection with taxation, that each State shall have at least one Representative, and fixes the rule for the number to which, in future times, each State shall be entitled. It also provides that the Senate of the United States shall be composed of two Senators from each State; and adds, with peculiar force, ‘that no State, without its consent, shall be deprived of its equal suffrage in the Senate.’ The original act was necessarily passed in the absence of the States chiefly to be affected, because their people were then contumaciously engaged in the Rebellion. Now the case is changed, and some, at least, of those States are attending Congress by loyal Representatives, soliciting the allowance of the Constitutional right of representation. At the time, however, of the consideration and the passage of this bill, there was no Senator or Representative in Congress from the eleven States which are to be mainly affected by its provisions. The very fact that reports were and are made against the good disposition of the people of that portion of the country is an additional reason why they need, and should have, Representatives of their own in Congress, to explain their condition, reply to accusations, and assist, by their local knowledge, in the perfecting of measures immediately affecting themselves. While the liberty of deliberation would then be free, and Congress would have full power to decide according to its judgment, there could be no objection urged that the States most interested had

not been permitted to be heard. The principle is firmly fixed in the minds of the American people, that there should be no taxation without representation. Great burdens have now to be borne by all the country, and we may best demand that they shall be borne without murmur when they are voted by a majority of the Representatives of all the people. I would not interfere with the unquestionable right of Congress to judge, each House for itself, 'of the elections, returns, and qualifications of its own members.' But that authority can not be construed as including the right to shut out, in time of peace, any State from the representation to which it is entitled by the Constitution. At present all the people of eleven States are excluded, those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities engaged in rebellion, was restored to all her Constitutional relations to the Union by the patriotism and energy of her injured and betrayed people. Before the war was brought to a termination they had placed themselves in relations with the General Government, had established a State government of their own, and, as they were not included in the Emancipation Proclamation, they, by their own act, had amended their constitution so as to abolish slavery within the limits of their State. I know no reason why the State of Tennessee, for example, should not fully enjoy 'all her Constitutional relations to the United States.'

"The President of the United States stands towards the country in a somewhat different attitude from that of any member of Congress. Each member of Congress is chosen from a single district or State; the President is chosen by the people of all the States. As eleven States are not at this time represented in either branch of Congress, it would seem to be his duty, on all proper occasions, to present their just claims to Congress. There always will be differences of opinion in the community, and individuals may be guilty of transgressions of the law, but these do not constitute valid objections against the right of a State to representation. I would in nowise interfere with the discretion of Congress with regard to the qualifications of members; but I hold it my duty to recommend to you, in the interests of peace and in the interests of union, the

admission of every State to its share in public legislation, when, however insubordinate, insurgent, or rebellious its people may have been, it presents itself not only in an attitude of loyalty and harmony, but in the persons of Representatives whose loyalty can not be questioned under any existing Constitutional or legal test. It is plain that an indefinite or permanent exclusion of any part of the country from representation must be attended by a spirit of disquiet and complaint. It is unwise and dangerous to pursue a course of measures which will unite a very large section of the country against another section of the country, however much the latter may preponderate. The course of emigration, the development of industry and business, and natural causes, will raise up at the South men as devoted to the Union as those of any other part of the land. But if they are all excluded from Congress; if, in a permanent statute, they are declared not to be in full Constitutional relations to the country, they may think they have cause to become a unit in feeling and sentiment against the Government. Under the political education of the American people, the idea is inherent and ineradicable, that the consent of the majority of the whole people is necessary to secure a willing acquiescence in legislation.

“The bill under consideration refers to certain of the States as though they had not ‘been fully restored in all their Constitutional relations to the United States.’ If they have not, let us at once act together to secure that desirable end at the earliest possible moment. It is hardly necessary for me to inform Congress that, in my own judgment, most of those States, so far at least as depends upon their own action, have already been fully restored, and are to be deemed as entitled to enjoy their Constitutional rights as members of the Union. Reasoning from the Constitution itself, and from the actual situation of the country, I feel not only entitled, but bound, to assume that with the Federal courts restored, and those of the several States in the full exercise of their functions, the rights and interests of all classes of the people will, with the aid of the military in cases of resistance to the laws, be essentially protected against unconstitutional infringement or violation. Should this expectation unhappily fail, which I do not anticipate, then the

Executive is already fully armed with the powers conferred by the Act of March, 1865, establishing the Freedmen's Bureau, and hereafter, as heretofore, he can employ the land and naval forces of the country to suppress insurrection or to overcome obstructions to the laws.

"In accordance with the Constitution, I return the bill to the Senate, in the earnest hope that a measure involving questions and interests so important to the country will not become a law, unless upon deliberative consideration by the people, it shall receive the sanction of an enlightened public judgment.

"ANDREW JOHNSON.

"WASHINGTON, February 19, 1866."

An attempt to pass the bill over the veto failed in the Senate at the time, but the House passed another similar bill on the 29th of May. Late in the following month the Senate agreed to this bill, and on the 16th of July the President vetoed it. But Congress was in no humor for trifling now, and on the same day in both Houses the bill was passed over the veto, and declared by the President of the Senate to be the law of the country.

About the middle of March, 1866, the following bill was sent to the President:—

"*Be it enacted, etc.*, That all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States, and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States, to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property; and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens,

and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom to the contrary notwithstanding.

“SEC. 2. That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

“SEC. 3. That the District Courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and also, concurrently with the Circuit Courts of the United States, of all causes, civil and criminal, affecting persons who are denied or can not enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color of authority derived from this act, or the act establishing a bureau for the relief of freedmen and refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper District or Circuit Court in the manner prescribed by the ‘Act relating to *habeas corpus* and regulating judicial proceedings in certain cases,’ approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The jurisdiction in civil and criminal

matters hereby conferred on the District and Circuit Courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

“SEC. 4. That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the Circuit Court and Territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen’s Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or Territorial court as by this act has cognizance of the offense. And with a view to affording reasonable protection to all persons in their Constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the Circuit Courts of the United States and the Superior Courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act. And such commissioners are hereby authorized and required to

exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offenses created by this act, as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

“SEC. 5. That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offense. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process that may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid, shall have authority to summon and call to their aid the bystanders or the *posse comitatus* of the proper county, or such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and said warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

“SEC. 6. That any person who shall knowingly and willfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue, or attempt to rescue, such person from the custody

of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offenses, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the District Court of the United States for the district in which said offense may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

“SEC. 7. That the district attorneys, the marshals, their deputies, and the clerks of the said District and Territorial Courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the treasury of the United States on the certificate of the judge

of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

“SEC. 8. That whenever the President of the United States shall have reason to believe that offenses have been, or are likely to be, committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

“SEC. 9. That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

“SEC. 10. That upon all questions of law arising in any cause under the provisions of this act, a final appeal may be taken to the Supreme Court of the United States.”

This celebrated “Civil Rights Bill,” the President vetoed in the following message:—

“TO THE SENATE OF THE UNITED STATES:—

“I regret that the bill which has passed both Houses of Congress, entitled ‘An Act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,’ contains provisions which I can not approve consistently with my sense of duty to the whole people, and my obligations to the Constitution of the United States. I am therefore constrained to return it to the Senate, the House in which it originated, with my objections to its becoming a law.

“By the first section of the bill all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United

States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of these races, born in the United States, is by the bill made a citizen of the United States. It does not purport to declare or confer any other right of citizenship than Federal citizenship. It does not purport to give these classes of persons any *status* as citizens of States, except that which may result from their *status* as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of Federal citizenship is with Congress.

“The right of Federal citizenship thus to be conferred on the several excepted races before mentioned, is now, for the first time, proposed to be given by law. If, as is claimed by many, all persons who are native-born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill can not be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself, whether, when eleven of the thirty-six States are unrepresented in Congress at the present time, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States? Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens, in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill? Those rights are, by Federal as well as State laws, secured to all domiciled aliens and foreigners, even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the Government, from its origin to the present

time, seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens, as contemplated by the Constitution of the United States. The bill, in effect, proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have just now been suddenly opened. He must, of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has to some extent, at least, familiarized himself with the principles of a government to which he voluntarily intrusts 'life, liberty, and the pursuit of happiness.' Yet, it is now proposed, by a single legislative enactment, to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth, who make our land their home, must undergo a probation of five years, and can only then become citizens upon proof that they are 'of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.'

"The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes, so made citizens, 'in every State and Territory in the United States.' These rights are, 'to make and enforce contracts, to sue, be parties, and give evidence; to inherit, purchase, lease, sell, hold, and convey real and personal property;' and to have 'full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens.' So, too, they are made subject to the same punishments, pains, and penalties in common with white citizens, and to none other. Thus a perfect equality of the white and colored races is attempted to be fixed by Federal law in every State of the Union, over the vast field of State jurisdiction covered by these enumerated rights. In no one of these can any State ever exercise any power of discrimination between the different races. In the exercise of

State policy over matters exclusively affecting the people of each State, it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, Northern as well as Southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that 'marriages between them and the whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are revolting, and regarded as an offense against public decorum.'

"I do not say that this bill repeals State laws on the subject of marriage between the two races; for, as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore can not, under this bill, enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether, if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally, Congress may not also repeal the State laws as to the contract of marriage between the two races? Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not Federal restraints; as, for instance, in the State power of legislation over contracts, there is a Federal limitation that no State shall pass a law impairing the obligations of contracts; and, as to crimes, that no State shall pass an *ex post facto* law; and, as to money, that no State shall make anything but gold and silver a legal tender. But where can we find a Federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons called corporations and natural persons, in the right to hold

real estate? If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal, in the same way, all State laws discriminating between the two races on the subjects of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and, finally to vote, 'in every State and Territory of the United States.' As respects the Territories, they come within the power of Congress, for as to them the law-making power is the Federal power; but as to the States no similar provision exists vesting in Congress the power 'to make rules and regulations' for them.

"The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares 'that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties, on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.' This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put or attempt to put them into execution. It means an official offense, not a common crime committed against law upon the persons or property of the black

race. Such an act may deprive the black man of his property, but not of the right to hold property. It means a deprivation of the right itself, either by the State judiciary or the State Legislature. It is therefore assumed that under this section members of State Legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as ministerial officers, execute processes sanctioned by State laws and issued by State judges in execution of their judgments, could be brought before other tribunals, and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, if you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount, and 'under color' of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment! I do not apprehend that the conflicting legislation which the bill seems to contemplate is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful Constitutionality.

"In the next place, this provision of the bill seems to be unnecessary, as adequate judicial remedies could be adopted to secure the desired end, without invading the immunities of legislators, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order.

"The remedy proposed by this section seems to be, in this respect, not only anomalous, but unconstitutional; for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that, in cases of conflict with the

Constitution and Constitutional laws of the United States, the latter should be held to be the supreme law of the land.

“The third section gives the district courts of the United States exclusive ‘cognizance of all crimes and offenses committed against the provisions of this act,’ and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases ‘affecting persons who are denied, or can not enforce in the courts or judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section.’ The construction which I have given to the second section is strengthened by this third section; for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights ‘in the courts or judicial tribunals of the State.’ It stands, therefore, clear of doubt that the offense and the penalties provided in the second section are intended for the State judge, who, in the clear exercise of his functions as a judge, not acting ministerially, but judicially, shall decide contrary to this Federal law. In other words, when a State judge, acting upon a question involving a conflict between a State law and a Federal law, and bound, according to his own judgment and responsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the Federal law is invalid, he must not follow the dictates of his own judgment, at the peril of fine and imprisonment. The Legislative Department of the Government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress.

“It is clear that, in States which deny to persons whose rights are secured by the first section of the bill any one of those rights, all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the Federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of a State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken

away, and he can only be tried and punished in the Federal courts. How is the criminal to be tried? If the offense is provided for and punished by Federal law, that law, and not the State law, is to govern. It is only when the offense does not happen to be within the purview of Federal law that the Federal courts are to try and punish him under any other law. Then resort is to be had to the 'common law, as modified and changed' by State legislation, 'so far as the same is not inconsistent with the Constitution and laws of the United States. So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens, and for the punishment of all persons who violate its criminal laws, Federal law, whenever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to Federal tribunals certain classes of cases embraced in this section. The Constitution expressly declares that the judicial power of the United States 'shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.' Here the judicial power of the United States is expressly set forth and defined; and the Act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the Federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above-recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States; for the

bill applies alike to all of them, as well to those that have as to those that have not been engaged in rebellion.

“It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that ‘neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.’ It can not, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be, any attempt to revive it by the people or the States. If, however, any such attempt shall be made, it will then become the duty of the General Government to exercise any and all incidental powers necessary and proper to maintain inviolate this great Constitutional law of freedom.

“The fourth section of the bill provides that officers and agents of the Freedmen’s Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes Circuit Courts of the United States and the Superior Courts of the Territories to appoint, without limitation, commissioners, who are to be charged with the performance of *quasi* judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint in writing, under their hands, one or more suitable persons, from time to time, to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, ‘as may be necessary to the performance of the duty with which they are charged.’ This extraordinary power is to be conferred upon agents irresponsible to the Government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority

might be made a terrible engine of wrong, oppression, and fraud. The general statutes regulating the land and naval forces of the United States, the militia, and the execution of the laws, are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such a manner as, while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

“The seventh section provides that a fee of ten dollars shall be paid to each commissioner in every case brought before him, and a fee of five dollars to his deputy, or deputies, ‘for each person he or they may arrest and take before any such commissioner,’ ‘with such other fees as may be deemed reasonable by such commission,’ ‘in general for performing such other duties as may be required in the premises.’ All these fees are to be ‘paid out of the treasury of the United States,’ whether there is a conviction or not; but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

“By the eighth section of the bill the United States courts, which sit only in one place for white citizens, must migrate, with the marshal and district attorney (and necessarily with the clerk, although he is not mentioned), to any part of the district upon the order of the President, and there hold a court ‘for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;’ and there the judge and officers of the court must remain, upon the order of the President, ‘for the time therein designated.’

“The ninth section authorizes the President, or such person as he may empower for that purpose, ‘to employ such part of the land or naval forces of the United States or of the militia as shall be necessary to prevent the violation and enforce the due execution of this act.’ This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

"I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the South have hitherto lived together under the relation of master and slave, capital owning labor. Now, suddenly, that relation is changed, and as to ownership, capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and, if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence; but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

"This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy through the agency of numerous officials, whose interest it will be to foment discord between the two races; for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

"In all our history, in all our experience as a people, living under Federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish for the safety of the colored race safeguards which go infinitely beyond any that the General Government has ever provided for the white race. In fact, the distinction of race and color is, by the bill, made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State, an absorption and assumption of power by the General Government which, if acquiesced in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another step, or rather stride, towards centralization, and the concentration of all legislative powers in the National Government. The tendency of the bill must be to resuscitate the spirit of Rebellion, and to arrest the

progress of those influences which are more closely drawing around the States the bonds of union and peace.

"My lamented predecessor, in his Proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated were, and thenceforward should be, free; and further, that the Executive Government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guarantee has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people, whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

"Entertaining these sentiments, it only remains for me to say that I will cheerfully co-operate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, in conformity with the provisions of the Federal Constitution.

"I now return the bill to the Senate, and regret that, in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval, I am compelled to withhold my assent from a second measure that has received the sanction of both Houses of Congress.

"ANDREW JOHNSON.

"WASHINGTON, D. C., March 27, 1866."

It is not difficult to see what would be the effect of this taunting and sometimes inaccurate message upon a Congress already inflamed by the President's words and deeds. The Senate repassed the bill by a vote of thirty-three against fifteen over the veto, and the House by a vote of one hundred and twenty-two to forty-one. No Democrat voted for the bill;

but in the Senate five, and in the House seven, members classed as Republicans voted against it. So, in spite of the President's vetoes, these two very comprehensive measures became the law of the land, and in them was fully set forth the Congressional plan of reconstruction. The contest was virtually over. Congress was master. Although the vetoes still came in, and Mr. Johnson lost no opportunity to vindicate his reputation for stubbornness and courage, he was little else than an Executive figure for the remainder of his term. The history of reconstruction would now more properly attach to the history of Congress, and only as a matter of courtesy and convenience is it gathered around Mr. Johnson.

Congress adjourned on the 28th of July, and besides the important measures mentioned, the following acts, bearing more directly upon the history of the times, were passed: Granting the franking privilege to Mrs. Lincoln; transferring the library of the Smithsonian Institute to the library of Congress; reimbursing several States for money advanced the Government during the war; authorizing the coinage of five-cent pieces; punishing kidnaping with a view to carrying persons into slavery; providing that no person who had served in the army or navy of the "Confederacy" should thereafter receive an appointment as a cadet in the Naval or Military Academy; providing for the sale of the public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida, according to the provisions of the Homestead Law of 1862

and 1864; incorporating "Howard Institute," in the District of Columbia, for the education of freedmen; reviving the grade of General of the Army; regulating the election of United States Senators; and authorizing the use of the ridiculous metric system of weights and measures. A resolution was also passed enabling the Secretary of the Treasury to furnish each State one set of the standard weights and measures of this French system. In the museums at the State capitals these things should be kept as perpetual remembrancers of national folly. Few of the men of the generation, who attempted to introduce this vulgar pretension in this country, could pronounce correctly the unknown tongue in which it is expressed; and it is to be hoped that somewhere in the good flight of time, the American who would revive the metric folly and scandal on his own simple, beautiful, expansive, universal language, should be declared a vagabond and an outcast on earth, and his name held in contempt by a straightforward, wise, and refined race.

Tennessee was also restored to her former place in the Union during this session. A resolution also provided for the publication of the official or documentary history of the Rebellion. And it should not be forgotten "in this connection," as President Johnson was in the habit of saying, that towards the last day of this session Congress authorized a contract with Vinnie Ream for a statue of President Lincoln at ten thousand dollars.

After the adjournment of Congress, in the sum-

mer and fall of 1866, President Johnson made an extensive tour through the country, which in many respects was shorn of the dignity which had attached to the Presidential office, and which for a time brought him into constant ridicule. The irritable temper of the man, and the disjointed condition of the times, political and otherwise, may furnish an apology for his unseemly performances while "swinging around the circle," as it was facetiously called. At all events, those who read these speeches now, and reflect upon the course of Mr. Johnson's life and conduct, will hardly be able to avoid the conclusion that he was honest and sincere, and felt himself to be right.

CHAPTER XIV.

SECOND ANNUAL MESSAGE—CONGRESS HEEDS IT NOT—
MEASURES AND WORK OF RECONSTRUCTION—VETO
AFTER VETO—WHO WAS RIGHT?

ON the 3d of December, 1866, Congress again convened, and the President sent in at once this plain and interesting message:—

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:—

After a brief interval, the Congress of the United States resumes its annual legislative labors. An all-wise and merciful Providence has abated the pestilence which visited our shores, leaving its calamitous traces upon some portions of our country. Peace, order, tranquillity, and civil authority have been formally declared to exist throughout the whole of the United States. In all of the States civil authority has superseded the coercion of arms, and the people, by their voluntary action, are maintaining their governments in full activity and complete operation. The enforcement of the laws is no longer “obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings;” and the animosities engendered by the war are rapidly yielding to the beneficent influences of our free institutions, and to the kindly effects of unrestricted social and commercial intercourse. An entire restoration of fraternal feeling must be the earnest wish of every patriotic heart; and we will have accomplished our grandest national achievement when, forgetting the sad events of the past, and remembering only their instructive lessons, we resume our onward career as a free, prosperous, and united people.

In my message of the 4th of December, 1865, Congress was

informed of the measures which had been instituted by the Executive with a view to the gradual restoration of the States in which the insurrection occurred to their relations with the General Government. Provisional governors had been appointed, conventions called, governors elected, Legislatures assembled, and Senators and Representatives chosen to the Congress of the United States. Courts had been opened for the enforcement of laws long in abeyance. The blockade had been removed, custom-houses re-established, and the internal revenue laws put in force, in order that the people might contribute to the national income. Postal operations had been renewed, and efforts were being made to restore them to their former condition of efficiency. The States themselves had been asked to take part in the high function of amending the Constitution, and of thus sanctioning the extinction of African slavery as one of the legitimate results of our internecine struggle.

Having progressed thus far, the Executive Department found that it had accomplished nearly all that was within the scope of its Constitutional authority. One thing, however, yet remained to be done before the work of restoration could be completed, and that was the admission to Congress of loyal Senators and Representatives from the States whose people had rebelled against the lawful authority of the General Government. This question devolved upon the respective Houses, which, by the Constitution, are made the judges of the elections, returns, and qualifications of their own members; and its consideration at once engaged the attention of Congress.

In the meantime the Executive Department, no other plan having been proposed by Congress, continued its efforts to perfect, as far as was practicable, the restoration of the proper relations between the citizens of the respective States, the States, and the Federal Government, extending, from time to time, as the public interests seemed to require, the judicial, revenue, and postal systems of the country. With the advice and consent of the Senate, the necessary officers were appointed, and appropriations made by Congress for the payment of their salaries. The proposition to amend the Federal Constitution, so as to prevent the existence of slavery within the United States or any place subject to their jurisdiction, was ratified by

the requisite number of States; and on the 18th day of December, 1865, it was officially declared to have become valid as a part of the Constitution of the United States. All of the States in which the insurrection had existed, promptly amended their constitutions, so as to make them conform to the great change thus affected in the organic law of the land; declared null and void all ordinances and laws of secession; repudiated all pretended debts and obligations created for the revolutionary purposes of the insurrection; and proceeded, in good faith, to the enactment of measures for the protection and amelioration of the condition of the colored race. Congress, however, yet hesitated to admit any of these States to representation; and it was not until towards the close of the eighth month of the session that an exception was made in favor of Tennessee, by the admission of her Senators and Representatives.

I deem it a subject of profound regret that Congress has thus far failed to admit to seats loyal Senators and Representatives from the other States, whose inhabitants, with those of Tennessee, had engaged in the Rebellion. Ten States, more than one-fourth of the whole number, remain without representation; the seats of fifty members in the House of Representatives and of twenty members in the Senate are yet vacant; not by their own consent, not by a failure of election, but by the refusal of Congress to accept their credentials. Their admission, it is believed, would have accomplished much towards the renewal and strengthening of our relations as one people, and removed serious cause for discontent on the part of the inhabitants of those States. It would have accorded with the great principle enunciated in the Declaration of American Independence, that no people ought to bear the burden of taxation, and yet be denied the right of representation. It would have been in consonance with the express provisions of the Constitution, that "each State shall have at least one Representative," and that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." These provisions were intended to secure to every State, and to the people of every State, the right of representation in each House of Congress; and so important was it deemed by the framers of the Constitution that the equality of the States in the Senate should be preserved,

that not even by an amendment of the Constitution can any State, without its consent, be denied a voice in that branch of the National Legislature.

It is true it has been assumed that the existence of the States was terminated by the rebellious acts of their inhabitants, and that the insurrection having been suppressed, they were thenceforward to be considered merely as conquered territories. The legislative, executive, and judicial departments of the Government have, however, with great distinctness and uniform consistency, refused to sanction an assumption so incompatible with the nature of our republican system and with the professed objects of the war. Throughout the recent legislation of Congress the undeniable fact makes itself apparent that these ten political communities are nothing less than States of this Union. At the very commencement of the Rebellion each House declared, with a unanimity as remarkable as it was significant, that the war was not "waged, upon our part, in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects" were "accomplished the war ought to cease." In some instances Senators were permitted to continue their legislative functions, while in other instances Representatives were elected and admitted to seats after their States had formally declared their right to withdraw from the Union, and were endeavoring to maintain that right by force of arms. All of the States whose people were in insurrection, as States, were included in the apportionment of the direct tax of twenty millions of dollars annually laid upon the United States by the Act approved 5th August, 1861. Congress, by the Act of March 4, 1862, and by the apportionment of representation thereunder, also recognized their presence as States in the Union; and they have, for judicial purposes, been divided into districts, as States alone can be divided. The same recognition appears in the recent legislation in reference to Tennessee, which evidently rests upon

the fact that the functions of the State were not destroyed by the Rebellion, but merely suspended; and that principle is, of course, applicable to those States which, like Tennessee, attempted to renounce their places in the Union.

The action of the Executive Department of the Government upon this subject has been equally definite and uniform, and the purpose of the war was specifically stated in the Proclamation issued by my predecessor on the 22d day of September, 1862. It was then solemnly proclaimed and declared that "hereafter, as heretofore, the war will be prosecuted for the object of practically restoring the Constitutional relation between the United States and each of the States and the people thereof, in which States that relation is or may be suspended or disturbed."

The recognition of the States by the Judicial Department of the Government has also been clear and conclusive in all proceedings affecting them as States had in the supreme, circuit, and district courts.

In the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress. Each House is made the "judge of the elections, returns, and qualifications of its own members," and may, "with the concurrence of two-thirds, expel a member." When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a member that he possesses the requisite Constitutional and legal qualifications. If refused admission as a member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the Nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union. Upon this question, so vitally affecting the restoration

of the Union and the permanency of our present form of Government, my convictions, heretofore expressed, have undergone no change; but, on the contrary, their correctness has been confirmed by reflection and time. If the admission of loyal members to seats in the respective Houses of Congress was wise and expedient a year ago, it is no less wise and expedient now. If this anomalous condition is right now; if, in the exact condition of these States at the present time, it is lawful to exclude them from representation, I do not see that the question will be changed by the efflux of time. Ten years hence, if these States remain as they are, the right of representation will be no stronger; the right of exclusion will be no weaker.

The Constitution of the United States makes it the duty of the President to recommend to the consideration of Congress "such measures as he shall judge necessary or expedient." I know of no measure more imperatively demanded by every consideration of national interest, sound policy, and equal justice, than the admission of loyal members from the now unrepresented States. This would consummate the work of restoration, and exert a most salutary influence in the re-establishment of peace, harmony; and fraternal feeling. It would tend greatly to renew the confidence of the American people in the vigor and stability of their institutions. It would bind us more closely together as a Nation, and enable us to show to the world the inherent and recuperative power of a government founded upon the will of the people, and established upon the principles of liberty, justice, and intelligence. Our increased strength and enhanced prosperity would irrefragably demonstrate the fallacy of the arguments against free institutions drawn from our recent national disorders by the enemies of republican government. The admission of loyal members from the States now excluded from Congress, by allaying doubt and apprehension, would turn capital, now awaiting an opportunity for investment, into the channels of trade and industry. It would alleviate the present troubled condition of those States; and, by inducing emigration, aid in the settlement of fertile regions now uncultivated, and lead to an increased production of those staples which have added so greatly to the wealth of the Nation and commerce of the world. New fields of enterprise would be

opened to our progressive people; and soon the devastations of war would be repaired, and all traces of our domestic differences effaced from the minds of our countrymen.

In our efforts to preserve "the unity of Government which constitutes us one people," by restoring the States to the condition which they held prior to the Rebellion, we should be cautious lest, having rescued our Nation from perils of threatened disintegration, we resort to consolidation, and in the end absolute despotism, as a remedy for the recurrence of similar troubles. The war having terminated, and with it all occasion for the exercise of powers of doubtful Constitutionality, we should hasten to bring legislation within the boundaries prescribed by the Constitution, and to return to the ancient landmarks established by our fathers for the guidance of succeeding generations. "The Constitution, which at any time exists until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." "If, in the opinion of the people, the distribution or modification of the Constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for" "it is the customary weapon by which free governments are destroyed." Washington spoke these words to his countrymen when, followed by their love and gratitude, he voluntarily retired from the cares of public life. "To keep, in all things, within the pale of our Constitutional powers, and cherish the Federal Union as the only rock of safety," were prescribed by Jefferson as rules of action to endear to his "countrymen the true principles of their Constitution, and promote a union of sentiment and action equally auspicious to their happiness and safety." Jackson held that the action of the General Government should always be strictly confined to the sphere of its appropriate duties, and justly and forcibly urged that our Government is not to be maintained nor our Union preserved "by invasions of the rights and powers of the several States. In thus attempting to make our General Government strong, we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves; in making itself felt, not in its power, but in its beneficence; not in its control, but in its

protection; not in binding the States more closely to the center, but leaving each to move unobstructed in its proper Constitutional orbit." These are the teachings of men whose deeds and services have made them illustrious; and who, long since withdrawn from the scenes of life, have left to their country the rich legacy of their example, their wisdom, and their patriotism. Drawing fresh inspiration from their lessons, let us emulate them in love of country and respect for the Constitution and the laws.

The report of the Secretary of the Treasury affords much information respecting the revenue and commerce of the country. His views upon the currency, and with reference to a proper adjustment of our revenue system, internal as well as impost, are commended to the careful consideration of Congress. In my last annual message I expressed my general views upon these subjects. I need now only call attention to the necessity of carrying into every department of the Government a system of rigid accountability, thorough retrenchment, and wise economy. With no exceptional nor unusual expenditures, the oppressive burdens of taxation can be lessened by such a modification of our revenue laws as will be consistent with the public faith and the legitimate and necessary wants of the Government.

The report presents a much more satisfactory condition of our finances than, one year ago, the most sanguine could have anticipated. During the fiscal year ending the 30th June, 1865, the last year of the war, the public debt was increased \$941,902,537, and on the 31st of October, 1865, it amounted to \$2,740,854,750. On the 31st day of October 1866, it had been reduced to \$2,551,310,006, the diminution, during a period of fourteen months, commencing September 1, 1865, and ending October 31, 1866, having been \$206,379,565. In the last annual report on the state of the finances it was estimated that during the three quarters of the fiscal year ending the 30th of June last the debt would be increased \$112,194,947. During that period, however, it was reduced \$31,196,387, the receipts of the year having been \$89,905,905 more, and the expenditures \$200,529,235 less, than the estimates. Nothing could more clearly indicate than these statements the extent and availability of the national resources, and the rapidity and

safety with which, under our form of government, great military and naval establishments can be disbanded, and expenses reduced from a war to a peace footing.

During the fiscal year ending June 30, 1866, the receipts were \$558,032,620, and the expenditures \$520,750,940, leaving an available surplus of \$37,281,680. It is estimated that the receipts for the fiscal year ending the 30th June, 1867, will be \$475,061,386, and that the expenditures will reach the sum of \$316,428,078, leaving in the treasury a surplus of \$158,633,308. For the fiscal year ending June 30, 1868, it is estimated that the receipts will amount to \$436,000,000, and that the expenditures will be \$350,247,641, showing an excess of \$85,752,359 in favor of the Government. These estimated receipts may be diminished by a reduction of excise and import duties; but after all necessary reductions shall have been made, the revenue of the present and of following years will doubtless be sufficient to cover all legitimate charges upon the treasury, and leave a large annual surplus to be applied to the payment of the principal of the debt. There seems now to be no good reason why taxes may not be reduced as the country advances in population and wealth, and yet the debt be extinguished within the next quarter of a century.

The report of the Secretary of War furnishes valuable and important information in reference to the operations of his Department during the past year. Few volunteers now remain in the service, and they are being discharged as rapidly as they can be replaced by regular troops. The army has been promptly paid, carefully provided with medical treatment, well sheltered and subsisted, and is to be furnished with breech-loading small-arms. The military strength of the Nation has been unimpaired by the discharge of volunteers, the disposition of unserviceable or perishable stores, and the retrenchment of expenditure. Sufficient war material to meet any emergency has been retained, and from the disbanded volunteers standing ready to respond to the national call large armies can be rapidly organized, equipped, and concentrated. Fortifications on the coast and frontier have received, or are being prepared for, more powerful armaments; lake surveys and harbor and river improvements are in course of energetic prosecution. Prepa-

rations have been made for the payment of the additional bounties authorized during the recent session of Congress, under such regulations as will protect the Government from fraud, and secure to the honorably discharged soldier the well-earned reward of his faithfulness and gallantry. More than six thousand maimed soldiers have received artificial limbs or other surgical apparatus; and forty-one national cemeteries, containing the remains of 104,526 Union soldiers, have already been established. The total estimate of military appropriations is \$25,205,669.

It is stated in the report of the Secretary of the Navy that the naval force at this time consists of two hundred and seventy-eight vessels, armed with two thousand three hundred and fifty-one guns. Of these, one hundred and fifteen vessels, carrying one thousand and twenty-nine guns, are in commission, distributed chiefly among seven squadrons. The number of men in the service is thirteen thousand six hundred. Great activity and vigilance have been displayed by all the squadrons, and their movements have been judiciously and efficiently arranged in such manner as would best promote American commerce and protect the rights and interests of our countrymen abroad. The vessels unemployed are undergoing repairs, or are laid up until their services may be required. Most of the iron-clad fleet is at League Island, in the vicinity of Philadelphia, a place which, until decisive action should be taken by Congress, was selected by the Secretary of the Navy as the most eligible location for that class of vessels. It is important that a suitable public station should be provided for the iron-clad fleet. It is intended that these vessels shall be in proper condition for any emergency, and it is desirable that the bill accepting League Island for naval purposes, which passed the House of Representatives at its last session, should receive final action at an early period, in order that there may be a suitable public station for this class of vessels, as well as a navy-yard of area sufficient for the wants of the service on the Delaware River. The naval pension fund amounts to \$11,750,000, having been increased \$2,750,000 during the year. The expenditures of the Department for the fiscal year ending 30th June last were \$43,324,526, and the estimates for the coming year amount to

\$23,568,436. Attention is invited to the condition of our seamen, and the importance of legislative measures for their relief and improvement. The suggestions in behalf of this deserving class of our fellow-citizens are earnestly recommended to the favorable attention of Congress.

The report of the Postmaster-General presents a most satisfactory condition of the postal service, and submits recommendations which deserve the consideration of Congress. The revenues of the Department for the year ending June 30, 1866, were \$14,386,986, and the expenditures \$15,352,079, showing an excess of the latter of \$965,093. In anticipation of this deficiency, however, a special appropriation was made by Congress in the Act approved July 28, 1866. Including the standing appropriation of \$700,000 for free mail matter as a legitimate portion of the revenues yet remaining unexpended, the actual deficiency for the past year is only \$265,093, a sum within \$51,141 of the amount estimated in the annual report of 1864.

The decrease of revenue compared with the previous year was one and one-fifth per cent, and the increase of expenditures, owing principally to the enlargement of the mail service in the South, was twelve per cent. On the 30th of June last there were in operation six thousand nine hundred and thirty mail-routes, with an aggregate length of one hundred and eighty thousand nine hundred and twenty-one miles, an aggregate annual transportation of seventy-one million eight hundred and thirty-seven thousand nine hundred and fourteen miles, and an aggregate annual cost, including all expenditures, of \$8,410,184. The length of railroad routes is thirty-two thousand and ninety-two miles, and the annual transportation thirty million six hundred and nine thousand four hundred and sixty-seven miles. The length of steamboat routes is fourteen thousand three hundred and forty-six miles, and the annual transportation three million four hundred and eleven thousand nine hundred and sixty-two miles. The mail service is rapidly increasing throughout the whole country, and its steady extension in the Southern States indicates their constantly improving condition. The growing importance of the foreign service also merits attention. The Post-office Department of

Great Britain and our own have agreed upon a preliminary basis for a new postal convention, which it is believed will prove eminently beneficial to the commercial interests of the United States, inasmuch as it contemplates a reduction of the international letter postage to one-half the existing rates; a reduction of postage with all other countries to and from which correspondence is transmitted in the British mail, or in closed mails through the United Kingdom; the establishment of uniform and reasonable charges for the sea and territorial transit of correspondence in closed mails; and an allowance to each Post-office Department of the right to use all mail communications established under the authority of the other for the dispatch of correspondence, either in open or closed mails, on the same terms as those applicable to the inhabitants of the country providing the means of transmission.

The report of the Secretary of the Interior exhibits the condition of those branches of the public service which are committed to his supervision. During the last fiscal year four million six hundred and twenty-nine thousand three hundred and twelve acres of public land were disposed of, one million eight hundred and ninety-two thousand five hundred and sixteen acres of which were entered under the Homestead Act. The policy originally adopted relative to the public lands has undergone essential modifications. Immediate revenue, and not their rapid settlement, was the cardinal feature of our land system.

Long experience and earnest discussion have resulted in the conviction that the early development of our agricultural resources, and the diffusion of an energetic population over our vast territory, are objects of far greater importance to the national growth and prosperity than the proceeds of the sale of the land to the highest bidder in open market. The pre-emption laws confer upon the pioneer who complies with the terms they impose the privilege of purchasing a limited portion of "unoffered lands" at the minimum price. The homestead enactments relieve the settler from the payment of purchase money, and secure him a permanent home, upon the condition of residence for a terms of years. This liberal policy invites emigration from the Old, and from the more crowded

portions of the New, World. Its propitious results are undoubted, and will be more signally manifested when time shall have given to it a wider development.

Congress has made liberal grants of public land to corporations, in aid of the construction of railroads and other internal improvements. Should this policy hereafter prevail, more stringent provisions will be required to secure a faithful application of the fund. The title to the lands should not pass, by patent or otherwise, but remain in the Government, and subject to its control, until some portion of the road has been actually built. Portions of them might then, from time to time, be conveyed to the corporation, but never in a greater ratio to the whole quantity embraced by the grant than the completed parts bear to the entire length of the projected improvement. This restriction would not operate to the prejudice of any undertaking conceived in good faith and executed with reasonable energy, as it is the settled practice to withdraw from market the lands falling within the operation of such grants, and thus to exclude the inception of a subsequent adverse right. A breach of the conditions which Congress may deem proper to impose should work a forfeiture of claim to the lands so withdrawn but unconveyed, and of title to the lands conveyed which remain unsold.

Operations on the several lines of the Pacific Railroad have been prosecuted with unexampled vigor and success. Should no unforeseen causes of delay occur, it is confidently anticipated that this great thoroughfare will be completed before the expiration of the period designated by Congress.

During the last fiscal year the amount paid to pensioners, including the expenses of disbursement, was thirteen million four hundred and fifty-nine thousand nine hundred and ninety-six dollars; and fifty thousand one hundred and seventy-seven names were added to the pension rolls. The entire number of pensioners June 30, 1866, was one hundred and twenty-six thousand seven hundred and twenty-two. This fact furnishes melancholy and striking proof of the sacrifices made to vindicate the Constitutional authority of the Federal Government, and to maintain inviolate the integrity of the Union. They impose upon us corresponding obligations. It is estimated that

thirty-three million dollars will be required to meet the exigency of this branch of the service during the next fiscal year.

Treaties have been concluded with the Indians, who, enticed into armed opposition to our Government at the outbreak of the Rebellion, have unconditionally submitted to our authority, and manifested an earnest desire for a renewal of friendly relations.

During the year ending September 30, 1866, eight thousand seven hundred and sixteen patents for useful inventions and designs were issued, and at that date the balance in the treasury to the credit of the patent fund was two hundred and twenty-eight thousand two hundred and ninety-seven dollars.

As a subject upon which depends an immense amount of the production and commerce of the country, I recommend to Congress such legislation as may be necessary for the preservation of the levees of the Mississippi River. It is a matter of national importance that early steps should be taken not only to add to the efficiency of these barriers against destructive inundations, but for the removal of all obstructions to the free and safe navigation of that great channel of trade and commerce.

The District of Columbia, under existing laws, is not entitled to that representation in the national councils which from our earliest history has been uniformly accorded to each Territory established from time to time within our limits. It maintains peculiar relations to Congress, to whom the Constitution has granted the power of exercising exclusive legislation over the seat of Government. Our fellow-citizens residing in the District, whose interests are thus confided to the special guardianship of Congress, exceed in number the population of several of our Territories, and no just reason is perceived why a delegate of their choice should not be admitted to a seat in the House of Representatives. No mode seems so appropriate and effectual of enabling them to make known their peculiar condition and wants, and of securing the local legislation adapted to them. I therefore recommend the passage of a law authorizing the electors of the District of Columbia to choose a delegate, to be allowed the same rights and privileges as a delegate representing a Territory. The increasing enterprise and rapid progress of improvement in the District are highly gratifying, and I

trust that the efforts of the municipal authorities to promote the prosperity of the national metropolis will receive the efficient and generous co-operation of Congress.

The report of the Commissioner of Agriculture reviews the operations of his department during the past year and asks the aid of Congress in its efforts to encourage those States which, scourged by war, are now earnestly engaged in the reorganization of domestic industry.

It is a subject of congratulation that no foreign combinations against our domestic peace and safety, or our legitimate influence among the nations, have been formed or attempted. While sentiments of reconciliation, loyalty, and patriotism have increased at home, a more just consideration of our national character and rights has been manifested by foreign nations.

The entire success of the Atlantic telegraph between the coast of Ireland and the province of Newfoundland is an achievement which has been justly celebrated in both hemispheres as the opening of an era in the progress of civilization. There is reason to expect that equal success will attend, and even greater results follow, the enterprise for connecting the two continents through the Pacific Ocean by the projected line of telegraph between Kamschatka and the Russian possessions in America.

The resolution of Congress protesting against pardons by foreign governments of persons convicted of infamous offenses, on condition of emigration to our country, has been communicated to the States with which we maintain intercourse, and the practice, so justly the subject of complaint on our part, has not been renewed.

The congratulations of Congress to the emperor of Russia, upon his escape from attempted assassination, have been presented to that humane and enlightened ruler, and received by him with expressions of grateful appreciation.

The Executive, warned of an attempt by Spanish-American adventurers to induce the emigration of freedmen of the United States to a foreign country, protested against the project as one which, if consummated, would reduce them to a bondage even more oppressive than that from which they have just been relieved. Assurance has been received from the government of

the state in which the plan was matured, that the proceeding will meet neither its encouragement nor approval. It is a question worthy of your consideration, whether our laws upon this subject are adequate to the prevention or punishment of the crime thus meditated.

In the month of April last, as Congress is aware, a friendly arrangement was made between the emperor of France and the President of the United States for the withdrawal from Mexico of the French expeditionary military forces. This withdrawal was to be effected in three detachments, the first of which, it was understood, would leave Mexico in November, now past, the second in March next, and the third and last in November, 1867. Immediately upon the completion of the evacuation, the French government was to assume the same attitude of non-intervention in regard to Mexico as is held by the Government of the United States. Repeated assurances have been given by the emperor since that agreement that he would complete the promised evacuation within the period mentioned, or sooner.

It was reasonably expected that the proceedings thus contemplated would produce a crisis of great political interest in the Republic of Mexico. The newly appointed Minister of the United States, Mr. Campbell, was therefore sent forward on the ninth day of November last, to assume his proper functions as Minister Plenipotentiary of the United States to that Republic. It was also thought expedient that he should be attended in the vicinity of Mexico by the Lieutenant-General of the Army of the United States, with the view of obtaining such information as might be important to determine the course to be pursued by the United States in re-establishing and maintaining necessary and proper intercourse with the Republic of Mexico. Deeply interested in the cause of liberty and humanity, it seemed an obvious duty on our part to exercise whatever influence we possessed for the restoration and permanent establishment in that country of a domestic and republican form of government.

Such was the condition of our affairs in regard to Mexico when, on the 22d of November last, official information was received from Paris that the emperor of France had some time

before decided not to withdraw a detachment of his forces in the month of November past, according to engagement, but that this decision was made with the purpose of withdrawing the whole of those forces in the ensuing spring. Of this determination, however, the United States had not received any notice or intimation; and so soon as the information was received by the Government, care was taken to make known its dissent to the emperor of France.

I can not forego the hope that France will reconsider the subject, and adopt some resolution in regard to the evacuation of Mexico which will conform as nearly as practicable with the existing engagement, and thus meet the just expectations of the United States. The papers relating to the subject will be laid before you. It is believed that, with the evacuation of Mexico by the expeditionary forces, no subject for serious differences between France and the United States would remain. The expressions of the emperor and people of France warrant a hope that the traditionary friendship between the two countries might in that case be renewed and permanently restored.

A claim of a citizen of the United States for indemnity for spoiliations committed on the high seas by the French authorities, in the exercise of a belligerent power against Mexico, has been met by the government of France with a proposition to defer settlement until a mutual convention for the adjustment of all claims of citizens and subjects of both countries, arising out of the recent wars on this continent, shall be agreed upon by the two countries. The suggestion is not deemed unreasonable, but it belongs to Congress to direct the manner in which claims for indemnity by foreigners, as well as by citizens of the United States, arising out of the late Civil War, shall be adjudicated and determined. I have no doubt that the subject of all such claims will engage your attention at a convenient and proper time.

It is a matter of regret that no considerable advance has been made towards an adjustment of the differences between the United States and Great Britain arising out of the depredations upon our national commerce and other trespasses committed during our Civil War by British subjects, in violation of international law and treaty obligations. The delay, however,

may be believed to have resulted in no small degree from the domestic situation of Great Britain. An entire change of Ministry occurred in that country during the last session of Parliament. The attention of the new Ministry was called to the subject at an early day, and there is some reason to expect that it will now be considered in a becoming and friendly spirit. The importance of an early disposition of the question can not be exaggerated. Whatever might be the wishes of the two governments, it is manifest that good-will and friendship between the two countries can not be established until a reciprocity, in the practice of good faith and neutrality, shall be restored between the respective nations.

On the 6th of June last, in violation of our neutrality laws, a military expedition and enterprise against the British North American colonies was projected and attempted to be carried on within the territory and jurisdiction of the United States. In obedience to the obligation imposed upon the Executive by the Constitution, to see that the laws are faithfully executed, all citizens were warned, by proclamation, against taking part in or aiding such unlawful proceedings, and the proper civil, military, and naval officers were directed to take all necessary measures for the enforcement of the laws. The expedition failed, but it has not been without its painful consequences. Some of our citizens who, it was alleged, were engaged in the expedition, were captured, and have been brought to trial as for a capital offense, in the province of Canada. Judgment and sentence of death have been pronounced against some, while others have been acquitted. Fully believing in the maxim of government that severity of civil punishment for misguided persons who have engaged in revolutionary attempts which have disastrously failed, is unsound and unwise, such representations have been made to the British government in behalf of the convicted persons, as, being sustained by an enlightened and humane judgment, will, it is hoped, induce in their cases an exercise of clemency, and a judicious amnesty to all who were engaged in the movement. Counsel has been employed by the Government to defend citizens of the United States on trial for capital offenses in Canada, and a discontinuance of the prosecutions which were instituted in the courts of the

United States against those who took part in the expedition, has been directed.

I have regarded the expedition as not only political in its nature, but as also in a great measure foreign from the United States in its causes, character, and objects. The attempt was understood to be made in sympathy with an insurgent party in Ireland, and, by striking at a British province on this continent, was designed to aid in obtaining redress for political grievances which, it was assumed, the people of Ireland had suffered at the hands of the British government during a period of several centuries. The persons engaged in it were chiefly natives of that country, some of whom had, while others had not, become citizens of the United States under our general laws of naturalization. Complaints of misgovernment in Ireland continually engage the attention of the British nation, and so great an agitation is now prevailing in Ireland that the British government have deemed it necessary to suspend the writ of *habeas corpus* in that country. These circumstances must necessarily modify the opinion which we might otherwise have entertained in regard to an expedition expressly prohibited by our neutrality laws. So long as those laws remain upon our statute-books they should be faithfully executed, and if they operate harshly, unjustly, or oppressively, Congress alone can apply the remedy by their modification or repeal.

Political and commercial interests of the United States are not unlikely to be affected in some degree by events which are transpiring in the eastern regions of Europe, and the time seems to have come when our Government ought to have a proper diplomatic representation in Greece.

This Government has claimed for all persons not convicted or accused or suspected of crime, an absolute political right of self-expatriation, and a choice of new national allegiance. Most of the European States have dissented from this principle, and have claimed a right to hold such of their subjects as have emigrated to and been naturalized in the United States, and afterwards returned on transient visits to their native countries, to the performance of military service in like manner as resident subjects. Complaints arising from the claim in this respect made by foreign States have heretofore been matters of controversy

between the United States and some of the European powers, and the irritation consequent upon the failure to settle this question increased during the war in which Prussia, Italy, and Austria were recently engaged. While Great Britain has never acknowledged the right of expatriation, she has not for some years past practically insisted upon the opposite doctrine. France has been equally forbearing; and Prussia has proposed a compromise, which, although evincing increased liberality, has not been accepted by the United States. Peace is now prevailing everywhere in Europe, and the present seems to be a favorable time for an assertion by Congress of the principle, so long maintained by the Executive Department, that naturalization by one State fully exempts the native-born subject of any other State from the performance of military service under any foreign government, so long as he does not voluntarily renounce its rights and benefits.

In the performance of a duty imposed upon me by the Constitution, I have thus submitted to the Representatives of the States and of the people such information of our domestic and foreign affairs as the public interests seem to require. Our Government is now undergoing its most trying ordeal, and my earnest prayer is, that the peril may be successfully and finally passed without impairing its original strength and symmetry. The interests of the Nation are best to be promoted by the revival of fraternal relations, the complete obliteration of our past differences, and the reinauguration of all the pursuits of peace. Directing our efforts to the early accomplishment of these great ends, let us endeavor to preserve harmony between the co-ordinate Departments of the Government, that each in its proper sphere may cordially co-operate with the other in securing the maintenance of the Constitution, the preservation of the Union, and the perpetuity of our free institutions.

On December 14th, the Senate by a vote of thirty-two to thirteen, and the House by a vote of one hundred and twenty-eight to forty-six, passed this bill:—

“Be it enacted, etc., That from and after the passage of this act each and every male person, excepting paupers

and persons under guardianship, of the age of twenty-one years and upwards, who has not been convicted of any infamous crime or offense, and excepting persons who may have voluntarily given aid and comfort to the rebels in the late Rebellion, and who shall have been born or naturalized in the United States, and who shall have resided in the said District for the period of one year, and three months in the ward or election precinct in which he shall offer to vote, next preceding any election therein, shall be entitled to the elective franchise, and shall be deemed an elector and entitled to vote at any election in said District, without any distinction on account of color or race.

“SEC. 2. That any person whose duty it shall be to receive votes at any election within the District of Columbia, who shall willfully refuse to receive, or who shall willfully reject, the vote of any person entitled to such right under this act, shall be liable to an action of tort by the person injured, and shall be liable, on indictment and conviction, if such act was done knowingly, to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year in the jail of said District, or to both.

“SEC. 3. That if any person or persons shall willfully interrupt or disturb any such elector in the exercise of such franchise, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed one thousand dollars, or be imprisoned in the jail in said District for a period not to exceed thirty days, or both, at the discretion of the court.

“SEC. 4. That it shall be the duty of the several courts having criminal jurisdiction in said District to give this act in special charge to the grand jury at the commencement of each term of the court next preceding the holding of any general or city election in said District.

“SEC. 5. That the mayors and aldermen of the cities of Washington and Georgetown, respectively, on or before the first day of March in each year, shall prepare a list of

the persons they judge to be qualified to vote in the several wards of said cities in any election; and said mayors and aldermen shall be in open session to receive evidence of the qualification of persons claiming the right to vote in any election therein, and for correcting said list, on two days in each year, not exceeding five days prior to the annual election for the choice of city officers, giving previous notice of the time and place of each session in some newspaper printed in said District.

“SEC. 6. That on or before the first day of March the mayors and aldermen of said cities shall post up a list of voters thus prepared in one or more public places in said cities, respectively, at least ten days prior to said annual election.

“SEC. 7. That the officers presiding at any election shall keep and use the check-list herein required at the polls during the election of all officers, and no vote shall be received unless delivered by the voter in person, and not until the presiding officer has had opportunity to be satisfied of his identity, and shall find his name on the list, and mark it, and ascertain that his vote is single.

“SEC. 8. That it is hereby declared unlawful for any person, directly or indirectly, to promise, offer, or give, or procure or cause to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any person, with intent to influence his vote to be given at any election hereafter to be held within the District of Columbia; and every person so offending shall, on conviction* thereof, be fined in any sum not exceeding two thousand dollars, or imprisoned not exceeding two years, or both, at the discretion of the court.

“SEC. 9. That any person who shall accept, directly or indirectly, any money, goods, right in action, bribe,

present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to influence his vote at any election hereafter to be held in the District of Columbia, shall, on conviction, be imprisoned not less than one year and be forever disfranchised.

“SEC. 10. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.”

The President vetoed this bill, and in a long, severely characteristic message, dated January 5, 1867, gave his reason for so doing. On the same day (January 7th) that the President sent in this veto the Senate repassed the bill by a vote of twenty-nine to ten; and on the next day the House also passed it over the President's veto, by the requisite two-thirds, and the Speaker declared the bill a law. Among the one hundred and thirteen yeas there was no Democrat, but of the thirty-eight nays four were classed with the Republicans.

At the former session Congress had passed an act for the admission of Colorado, and the President had vetoed it. In January, 1867, another bill for the same purpose was sent to the President; but this he also very properly, and for statesman-like reasons, negatived. No further action was taken on the matter. In the same month a bill was also presented for his signature for the admission of Nebraska. This, too, he vetoed. But both Houses repassed it over his veto, and on the 9th of February, 1867, the Speaker pronounced the bill a law. In due time the President issued his proclamation,

declaring that a new State had been added to the Union.

On the 20th of February, the House, by a vote of one hundred and twenty-eight to forty-six, and the Senate by thirty-five yeas, one of which was Reverdy Johnson, the only Democrat who went with the majority, against seven nays, passed the following reconstruction act, and a few days later the appended supplementary act:—

"AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT
OF THE REBEL STATES.

"WHEREAS, No legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and

"WHEREAS, It is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: therefore,

"*Be it enacted, etc.*, That said rebel States shall be divided into military districts, and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

"SEC. 2. That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

"SEC. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property; to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals; and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when

in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

“SEC. 4. That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district; and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: *Provided*, that no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

“SEC. 5. That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the Rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its Legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as Article Fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Represent-

atives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, that no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

"SEC. 6. That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said Constitutional amendment.

"Passed March 2, 1867."

"AN ACT

"SUPPLEMENTARY TO AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES,' PASSED MARCH SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND TO FACILITATE RESTORATION.

"Be it enacted, etc., That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an Act entitled 'An Act to provide for the more efficient government of the rebel States,' passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: 'I, —, do solemnly swear (or affirm), in the presence of Almighty God, that I am a citizen of the State of —; that I have resided

in said State for — months next preceding this day, and now reside in the county of —, or the parish of —, in said State (as the case may be); that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State Legislature, nor held any executive or judicial office in any State, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;’ which oath or affirmation may be administered by any registering officer.

“SEC. 2. That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days’ public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State Legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid, as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the Legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

“SEC. 3. That at said election the registered voters of each

State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words 'For a convention,' and those voting against such a convention shall have written or printed on such ballots the words 'Against a convention.' The person appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided*, that such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

"SEC. 4. That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons

appointed, or to be appointed, by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

"SEC. 5. That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors, qualified as herein specified, cast at said election (at least one-half of all the registered voters voting upon the question of such ratification), the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall, moreover, appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided.

"SEC. 6. That all elections in the States mentioned in the said 'Act to provide for the more efficient government of the rebel States' shall, during the operation of said Act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the Act approved July second, eighteen hundred and sixty-two, entitled 'An Act to prescribe an oath of office.' *Provided*, that if any person shall knowingly and falsely take and subscribe any oath in this Act prescribed, such person so offending, and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of willful and corrupt perjury.

"SEC. 7. That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this Act, shall be paid out of any moneys in the treasury not otherwise appropriated.

"SEC. 8. That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this Act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

"SEC. 9. That the word article, in the sixth section of the Act to which this is supplementary, shall be construed to mean section.

"Passed March 23, 1867."

This military bill the President vetoed, but on the same day the House repassed it by a vote of one hundred and thirty-eight to fifty-one, the yeas all being Republicans; and the Senate repassed it by thirty-eight yeas against ten nays, Reverdy Johnson still voting with the majority. The President of the Senate now announced that the bill was a law, notwithstanding the negative of the Executive. The supplementary bill given here the President also vetoed on the 23d of the same month, Congress having convened in extraordinary session on the 4th. But on the same day of the veto both Houses repassed the bill by the usual majority. .

The President's veto of the supplemental bill was accompanied with this message:—

"TO THE HOUSE OF REPRESENTATIVES:

"I have considered the bill entitled, 'An act supplementary to an Act entitled, "An act to provide for the more effi-

cient government of the rebel States," passed March 2, 1867, and to facilitate restoration,' and now return it to the House of Representatives, with my objections.

"This bill provides for elections in the ten States brought under the operation of the original act to which it is supplementary. Its details are principally directed to the elections for the formation of State constitutions; but by the sixth section of the bill 'all elections' in these States occurring while the original act remains in force are brought within its purview. Referring to the details, it will be found that, first of all, there is to be a registration of the voters. No one whose name has not been admitted on the list is to be allowed to vote at any of these elections. To ascertain who is entitled to registration, reference is made necessary by the express language of the supplement, to the original act and to the pending bill. The fifth section of the original act provides, as to voters, that they shall be 'male citizens of the State, twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident of said State for one year.' This is the general qualification, followed, however, by many exceptions. No one can be registered, according to the original act, 'who may be disfranchised for participation in the Rebellion,' a provision which left undetermined the question as to what amounted to disfranchisement, and whether, without a judicial sentence, the act itself produced that effect. This supplemental bill superadds an oath, to be taken by every person before his name can be admitted upon the registration, that he has 'not been disfranchised for participation in any rebellion or civil war against the United States.' It thus imposes upon every person the necessity and responsibility of deciding for himself, under the peril of punishment by a military commission if he makes a mistake, what works disfranchisement by participation in rebellion, and what amounts to such participation. Almost every man—the negro as well as the white—above twenty-one years of age, who was resident in these ten States during the Rebellion, voluntarily or involuntarily, at some time and in some way, did participate in resistance to the lawful authority of the General Government. The question with the citizen to whom this oath is to be proposed must be a fearful one; for

while the bill does not declare that perjury may be assigned for such false swearing, nor fix any penalty for the offense, we must not forget that martial law prevails; that every person is answerable to a military commission, without previous presentment by a grand jury, for any charge that may be made against him; and that the supreme authority of the military commander determines the question as to what is an offense, and what is to be the measure of punishment.

“The fourth section of the bill provides ‘that the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons.’ The only qualifications stated for these officers is that they must be ‘loyal.’ They may be persons in the military service or civilians, residents of the State or strangers. Yet these persons are to exercise most important duties, and are vested with unlimited discretion. They are to decide what names shall be placed upon the register, and from their decision there is to be no appeal. They are to superintend the elections, and to decide all questions which may arise. They are to have the custody of the ballots, and to make returns of the persons elected. Whatever frauds or errors they may commit must pass without redress. All that is left for the commanding general is to receive the returns of the elections, open the same, and ascertain who are chosen ‘according to the returns of the officers who conducted said elections.’ By such means, and with this sort of agency, are the conventions of delegates to be constituted.

“As the delegates are to speak for the people, common justice would seem to require that they should have authority from the people themselves. No convention so constituted will in any sense represent the wishes of the inhabitants of these States; for, under the all-embracing exceptions of these laws, by a construction which the uncertainty of the clause as to disfranchisement leaves open to the board of officers, the great body of the people may be excluded from the polls, and from all opportunity of expressing their own wishes, or voting for delegates who will faithfully reflect their sentiments.

“I do not deem it necessary further to investigate the details of this bill. No consideration could induce me to give

my approval to such an election law for any purpose, and especially for the great purpose of framing the constitution of a State. If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it can not properly be taken out of his hands. All this legislation proceeds upon the contrary assumption that the people of each of these States shall have no constitution except such as may be arbitrarily dictated by Congress and formed under the restraint of military rule. A plain statement of facts makes this evident.

"In all these States there are existing constitutions, formed in the accustomed way by the people. Congress, however, declares that these constitutions are not 'loyal and republican,' and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the constitution of a State 'loyal and republican?' The original act answers the question. It is universal negro suffrage, a question which the Federal Constitution leaves to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose, and none other. The existing constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their constitutions are more republican now than when these States—four of which were members of the original thirteen—first became members of the Union.

"Congress does not now demand that a single provision of their constitutions be changed, except such as confine suffrage to the white population. It is apparent, therefore, that these provisions do not conform to the standard of republicanism which Congress seeks to establish. That there may be no mistake, it is only necessary that reference should be made to the original act, which declares 'such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates.' What class of persons is here meant clearly appears in the same section. That is to say, 'the male citizens of said State, twenty-one years old and upward, of whatever race,

color, or previous condition, who have been resident in said State for one year previous to the day of such election.'

"Without these provisions no constitution which can be framed in any one of the ten States will be of any avail with Congress. This, then, is the test of what the constitution of a State of this Union must contain to make it republican. Measured by such a standard, how few of the States now composing the Union have republican constitutions! If, in the exercise of the Constitutional guarantee that Congress shall secure to every State a republican form of government, universal suffrage for blacks as well as whites is a *sine qua non*, the work of reconstruction may as well begin in Ohio as in Virginia, in Pennsylvania as in North Carolina.

"When I contemplate the millions of our fellow-citizens of the South, with no alternative left but to impose upon themselves this fearful and untried experiment of complete negro enfranchisement, and white disfranchisement it may be almost as complete, or submit indefinitely to the rigor of martial law, without a single attribute of freemen, deprived of all the sacred guarantees of our Federal Constitution, and threatened with even worse wrongs, if any worse are possible, it seems to me their condition is the most deplorable to which any people can be reduced. It is true that they have been engaged in rebellion, and that, their object being a separation of the States and a dissolution of the Union, there was an obligation resting upon every loyal citizen to treat them as enemies, and to wage war against their cause.

"Inflexibly opposed to any movement imperiling the integrity of the Government, I did not hesitate to urge the adoption of all measures necessary for the suppression of the insurrection. After a long and terrible struggle, the efforts of the Government were triumphantly successful, and the people of the South, submitting to the stern arbitrament, yielded forever the issues of the contest. Hostilities terminated soon after it became my duty to assume the responsibilities of the Chief Executive officer of the Republic, and I at once endeavored to repress and control the passions which our civil strife had engendered, and no longer regarding these erring millions as enemies, again acknowledged them as our friends and our

countrymen. The war had accomplished its objects. The Nation was saved, and that seminal principle of mischief which, from the birth of the Government, had gradually but inevitably brought on the Rebellion, was totally eradicated. Then, it seemed to me, was the auspicious time to commence the work of reconciliation; then, when the people sought once more our friendship and protection, I considered it our duty generously to meet them in the spirit of charity and forgiveness, and to conquer them even more effectually by the magnanimity of the Nation than by the force of its arms. I yet believe that if the policy of reconciliation then inaugurated, and which contemplated an early restoration of these people to all their political rights, had received the support of Congress, every one of these ten States, and all their people, would at this moment be fast anchored in the Union, and the great work which gave the war all its sanction, and made it just and holy, would have been accomplished. Then, over all the vast and fruitful regions of the South, peace and its blessing would have prevailed, while now millions are deprived of rights guaranteed by the Constitution to every citizen, and, after nearly two years of legislation, find themselves placed under an absolute military despotism. 'A military republic, a government formed on mock elections and supported daily by the sword,' was nearly a quarter of a century since pronounced by Daniel Webster, when speaking of the South American States, as a 'movement indeed, but a retrograde and disastrous movement from the regular and old-fashioned monarchical systems;' and he added:

"If men would enjoy the blessings of republican government, they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed; and, above all, the military must be kept, according to the language of our Bill of Rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced, there can be no political freedom. Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty, for forms of government to be prescribed by military leaders, and the right of suffrage to be exercised at the point of the sword.'

"I confidently believe that a time will come when these States will again occupy their true positions in the Union. The barriers which now seem so obstinate must yield to the force of an enlightened and just public opinion, and sooner or later unconstitutional and oppressive legislation will be effaced from our statute-books. When this shall have been consummated, I pray God that the errors of the past may be forgotten, and that once more we shall be a happy, united, and prosperous people, and that at last, after the bitter and eventful experience through which the Nation has passed, we shall all come to know that our only safety is in the preservation of our Federal Constitution, and in according to every American citizen and to every State the rights which that Constitution secures."

Both of these veto messages are at times severe and extravagant, and not always accurate, showing the excitability of the man and the deep sentiment of animosity existing between the President and the Congressional majority. While the tone of these messages, to some extent, is to be regretted, it may even now be doubted whether they were not mainly true.

The following supplementary acts were passed on the subject of reconstruction, the first in July, 1867, and the next in March, 1868:—

"AN ACT

"SUPPLEMENTARY TO AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES,' PASSED ON THE SECOND DAY OF MARCH, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND THE ACT SUPPLEMENTARY THERETO, PASSED ON THE TWENTY-THIRD DAY OF MARCH, EIGHTEEN HUNDRED AND SIXTY-SEVEN.

"*Be it enacted, etc.,* That it is hereby declared to have been the true intent and meaning of the Act of the 2d day of March, 1867, entitled 'An Act to provide for the more efficient government of the rebel States,' and of the Act supplementary

thereto, passed on the 23d day of March, 1867, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

“SEC. 2. That the commander of any district named in said act shall have power, subject to the disapproval of the General of the Army of the United States, and to have effect till disapproved whenever, in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

“SEC. 3. That the General of the Army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

“SEC. 4. That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided*, that any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the Army. And it shall be the duty of such commander to remove

from office, as aforesaid, all persons who are disloyal to the Government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

“SEC. 5. That the boards of registration provided for in the Act entitled ‘An Act supplementary to an act entitled “An Act to provide for the more efficient government of the rebel States,” passed March 2, 1867, and to facilitate restoration,’ passed March 23, 1867, shall have power, and it shall be their duty, before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath (to be administered by any member of such board), any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided*, that no person shall be disqualified as member of any board of registration by reason of race or color.

“SEC. 6. That the true intent and meaning of the oath prescribed in said supplementary act is (among other things), that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the Rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words ‘executive or judicial office in any State’ in said oath mentioned shall be construed to include all civil offices created

by law for the administration of any general law of a State, or for the administration of justice.

“SEC. 7. That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the 1st day of October, 1867; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote, by reason of any executive pardon or amnesty, for any act or thing which, without such pardon or amnesty, would disqualify him from registration or voting.

“SEC. 8. That section four of said last named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

“SEC. 9. That all members of said boards of registration, and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and subscribe the oath of office prescribed by law for officers of the United States.

“SEC. 10. That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

“SEC. 11. That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.”

"AN ACT

"TO AMEND THE ACT PASSED MARCH TWENTY-THREE, EIGHTEEN HUNDRED AND SIXTY-SEVEN, ENTITLED 'AN ACT SUPPLEMENTARY TO "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED MARCH TWO, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND TO FACILITATE THEIR RESTORATION.'

"*Be it enacted, etc.*, That hereafter any election authorized by the act passed March 23, 1867, entitled 'An Act supplementary to "An Act to provide for the more efficient government of the rebel States," passed March 2, 1867, and to facilitate their restoration,' shall be decided by a majority of the votes actually cast; and at the election in which the question of the adoption or rejection of any constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commanders may prescribe.

"SEC. 2. That the constitutional convention of any of the States mentioned in the acts to which this is amendatory may provide that at the time of voting upon the ratification of the constitution, the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution; and the same election officers, who shall make the return of the votes cast on the ratification or rejection of the constitution, shall enumerate and certify the votes cast for members of Congress."

The first of these bills the President vetoed, and Congress then passed it over his veto, and the other became a law by his neglect to notice it.

CHAPTER XV.

TENURE-OF-OFFICE ACT—OPINIONS FOR AND AGAINST
THE PRESIDENT—RECONSTRUCTION STRUGGLES—THE
PARTIES—THE OLD CAST—MERE POLITICIANS COME
TO THE FRONT.

THE following is the famous Civil Tenure Bill, vetoed by President Johnson in a characteristic message, dated March 2, 1867:—

“AN ACT REGULATING THE TENURE OF CERTAIN CIVIL OFFICES.

“*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided,* that the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster-General, and the Attorney-General, shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

“SEC. 2. That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during the recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may

suspend such officer, and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate; and such person, so designated, shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension, and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, that the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

“SEC. 3. That the President shall have power to fill all vacancies which may happen during the recess of the Senate, by reason of death or resignation, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, shall be made to such office so vacant or temporarily filled as aforesaid during such next session of the Senate, such office shall remain in abeyance without any salary, fees, or emoluments, attached thereto, until the same shall be filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer

as may by law exercise such powers and duties in case of a vacancy in such office.

“SEC. 4. That nothing in this Act contained shall be construed to extend the term of any office the duration of which is limited by law.

“SEC. 5. That if any person shall, contrary to the provisions of this Act, accept an appointment to or employment in any office, or shall hold or exercise, or attempt to hold or exercise, any such office or employment, he shall be deemed, and is hereby declared to be, guilty of a high misdemeanor, and, upon trial and conviction thereof, he shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court.

“SEC. 6. That every removal, appointment, or employment made, had, or exercised, contrary to the provisions of this Act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors, and, upon trial and conviction thereof, every person guilty thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court: *Provided*, that the President shall have power to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointment shall have been advised and consented to by the Senate.

“SEC. 7. That it shall be the duty of the Secretary of the Senate, at the close of each session thereof, to deliver to the Secretary of the Treasury, and to each of his assistants, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all persons who shall have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations shall have been made and not confirmed and filled at such session.

“SEC. 8. That whenever the President shall, without the advice and consent of the Senate, designate, authorize, or employ

any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and it shall be the duty of the Secretary of the Treasury thereupon to communicate such notice to all the proper accounting and disbursing officers of his Department.

"SEC. 9. That no money shall be paid or received from the treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the treasury or not, to or by or for the benefit of any person appointed to, or authorized to act in, or holding or exercising the duties or functions of any office contrary to the provisions of this Act; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument, providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer of the United States, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof; and every person who shall violate any of the provisions of this section shall be deemed guilty of a high misdemeanor, and, upon trial and conviction thereof, shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding ten years, or both said punishments, in the discretion of the court."

On the same day the President vetoed this bill, it was repassed and became a law. This remarkable piece of legislation was necessary now, after all that had been done, to prevent any vicious act on the part of the Executive toward obstructing the plans of Congress in the work of reconstruction. It certainly had no other object, and denoted how clearly were separated these two chief branches of the Government, and how little confidence Congress had in the President. This was the most humiliating thrust yet made at Mr. Johnson, but his mes-

sage giving his reasons for not signing the bill is one of his most dispassionate, little revealing the sting he felt. It was an uncalled-for act, and the circumstances changing in the election of General Grant to the Presidency, Congress hastened to repeal it, virtually, early in the spring of 1869.

Some of the less important acts passed at this session of Congress were : Providing for an extraordinary session of Congress beginning at the expiration of that term, March 4, 1867 ; providing for general suffrage without reference to race or color in the Territories (this act, the President not returning it in ten days, became a law without his signature) ; providing in the Army Appropriation Bill against the suspending or removal of the General of the Army ; providing against peonage in New Mexico or any other Territory ; and a resolution was passed authorizing the Secretary of War to contract for a bronze equestrian statue of General Winfield Scott.

Political affairs were now in an exceedingly unsettled condition, both North and South, and there was some diversity of opinion as to the course of the President and Congress, the Democrats, however, siding with the President, and the Republicans mainly with Congress.

On the 17th of August, 1866, a number of men calling themselves the National Union Convention met in Philadelphia, and in their resolutions or statement of principles said :—

“Representation in the Congress of the United States and in the Electoral College is a right recognized by the Constitu-

tion as abiding in every State, and as a duty imposed upon the people, fundamental in its nature, and essential to the existence of our republican institutions, and neither Congress nor the General Government has any authority or power to deny this right to any State, or to withhold its enjoyment under the Constitution from the people thereof.

“We call upon the people of the United States to elect to Congress as members thereof none but men who admit this fundamental right of representation, and who will receive to seats therein loyal Representatives from every State in allegiance to the United States, subject to the Constitutional right of each House to judge of the elections, returns, and qualifications of its own members. . . .

“In Andrew Johnson, President of the United States, who, in his great office, has proved steadfast in his devotion to the Constitution, the laws, and interests of his country, unmoved by persecution and undeserved reproach, having faith unassailable in the people and in the principles of free government, we recognize a Chief Magistrate worthy of the Nation, and equal to the great crisis upon which his lot is cast; and we tender to him in the discharge of his high and responsible duties our profound respect and assurance of our cordial and sincere support.”

These resolutions were reported by Edgar Cowan, of Pennsylvania, who had but recently been emphatically invited by his constituents to resign his seat in the United States Senate. Elected as a Republican, he had taken a course in opposition to the general purposes and spirit of his party.

About the same time a considerable body of men assembled at Philadelphia calling themselves Southern Loyalists. They also announced a set of principles, the more prominent of which were as follows:—

“That we demand now, as we have demanded at all times since the cessation of hostilities, the restoration of the States in

which we live to their old relations with the Union, on the simplest and fewest conditions consistent with the protection of our lives, property, and political rights, now in jeopardy from the unquenched enmity of rebels lately in arms.

"That the unhappy policy pursued by Andrew Johnson, President of the United States, is, in its effects upon the loyal people of the South, unjust, oppressive, and intolerable; and accordingly, however ardently we desire to see our respective States once more represented in the Congress of the Nation, we would deplore their restoration on the inadequate conditions prescribed by the President, as tending not to abate, but only to magnify the perils and sorrows of our condition.

"That with pride in the patriotism of the Congress, with gratitude for the fearless and persistent support they have given to the cause of loyalty, and their efforts to restore all the States to their former condition as States in the American Union, we will stand by the positions taken by them, and use all means consistent with a peaceful and lawful course to secure the ratification of the amendments to the Constitution of the United States, as proposed by Congress at its last session, and regret that Congress, in its wisdom, did not provide by law for the greater security of the loyal people in the States not yet admitted to representation."

In September a convention of soldiers and sailors at Cleveland ratified the action of the "National Union Convention" of the 17th of August at Philadelphia. But later in the same month another convention of soldiers and sailors, of very different views, met at Pittsburgh, and among the resolutions reported by General Benj. F. Butler, were these:—

"*Resolved*, That the action of the present Congress in passing the pending Constitutional amendment is wise, prudent, just. It clearly defines American citizenship, and guarantees all his rights to every citizen. It places on a just and equal basis the right of representation, making the vote of a man in one State equally potent with the vote of another man in any

State. It righteously excludes from places of honor and trust the chief conspirators, guiltiest rebels, whose perjured crimes have drenched the land in fraternal blood. It puts into the very frame of our Government the inviolability of the national debt and the nullity forever of all obligations contracted in support of the Rebellion.

“2. That it is unfortunate for the country that these propositions have not been received in the spirit of conciliation, clemency, and fraternal feeling in which they were offered, as they are the mildest terms ever granted to subdued rebels.

“3. That the President, as an executive officer, has no right to a policy as against the Legislative Department of the Government; that his attempt to fasten his scheme of reconstruction upon the country is as dangerous as it is unwise; his acts in sustaining it have retarded the restoration of peace and unity; they have converted conquered rebels into impudent claimants to rights which they have forfeited, and places which they have desecrated. If consummated, it would render the sacrifices of the Nation useless, the loss of the lives of our buried comrades vain, and the war in which we have so gloriously triumphed, what his present friends at Chicago in 1864 declared to be a failure.

“4. That the right of the conqueror to legislate for the conquered has been recognized by the public law of all civilized nations; by the operation of that law for the conservation of the good of the whole country, Congress has the undoubted right to establish measures for the conduct of the revolted States, and to pass all acts of legislation that are necessary for the complete restoration of the Union.

“5. That when the President claims that by the aid of the army and navy he might have made himself dictator, he insulted every soldier and sailor in the Republic. He ought distinctly to understand that the tried patriots of this Nation can never be used to overthrow civil liberty or popular government.

“6. That the neutrality laws should be so amended as to give the fullest liberty to the citizen consistent with the national faith; that the great Union Republican party is pledged to sustain liberty and equality of rights everywhere, and therefore we

tender to all peoples struggling for freedom our sympathy and cordial co-operation.

"7. That the Union men of the South, without distinction of race or color, are entitled to the gratitude of every loyal soldier and sailor who served his country in suppressing the Rebellion, and that in their present dark hours of trial, when they are being persecuted by thousands, solely because they are now, and have been, true to the Government, we will not prove recreant to our obligations, but will stand by and protect with our lives, if necessary, those brave men who remain true to us when all around are false and faithless."

In the spring of 1867 party conventions were held in several of the States. A few extracts from platforms, resolutions, etc., put forth by these conventions, will sufficiently exhibit the spirit of the times, and how completely the President was separated from his recent associates.

The Democrats of Ohio talked of Congress, as then organized, as the "So-called Congress," and these are some of their resolutions:—

"That Congress is not an omnipotent law-making power; that the Constitution provides that no bill shall become a law without the approval of the President, unless it be passed by two-thirds of each House of Congress; that one of the objects of the present so-called Congress in excluding ten States from representation is to pass bills by a two-thirds vote, which, were all the States represented, could not pass, and thus to abolish the Constitutional provision aforesaid; that, if the precedent be acquiesced in, there will be nothing to prevent a bare majority of Congress, at any time in the future, from nullifying the Constitutional veto of the President, and usurping uncontrolled legislative power by an exclusion of the minority from their seats; that the exclusion of a single State might give this control, and a pretext for such an exclusion would never be wanting to an unscrupulous and revolutionary party.

“That the radical majority in the so-called Congress have proved themselves to be in favor of negro suffrage, by forcing it upon the people of the District of Columbia against their wish, solemnly expressed at the polls; by forcing it upon the people of all the Territories, and by their various devices to coerce the people of the South to adopt it; that we are opposed to negro suffrage, believing it would be productive of evil to both whites and blacks, and tend to produce a disastrous conflict of races.

“That for their efforts to uphold the Constitution, we tender to the President and to the majority of the judges of the Supreme Court of the United States our hearty thanks.

“That we are in favor of a Democratic convention of delegates from all the States, to be held at such time and place as may be agreed upon, and that the State central committee be authorized to concur with other proper committees in fixing time and place, and that we prefer Louisville, Kentucky, as the place.

“That the Democratic newspapers of Ohio deserve our earnest and liberal support, and that an early and thorough organization of the party is indispensable.”

The “Republicans” of Alabama thus spoke in the “Grand Council of the Union League:”—

“That if the pacification now proposed by Congress be not accepted in good faith by those who staked and forfeited ‘their lives, their fortunes, and their sacred honor’ in rebellion, it will be the duty of Congress to enforce that forfeiture by the confiscation of the lands, at least, of such a stiff-necked and rebellious people.

“That the assertion that there are not enough intelligent loyal men in Alabama to administer the government is false in fact, and mainly promulgated by those who aim to keep treason respectable, by retaining power in the hands of its friends and votaries.”

And Arkansas said:—

“That we denounce the guilty authors of the late Rebellion who refuse to acquiesce in the necessary, legitimate, and just

results of their own folly and crime, and who are now counseling the people to renewed opposition and resistance to the legitimate and lawful authority of the National Government, as enemies of the Union, and all the dearest and best interests of the State and her people, and they deserve and should receive the scorn of every honest citizen who desires to see law and order and peace, security, and prosperity secured to the State.

“That the most dangerous enemies of the Nation and State are the disloyal newspapers and political demagogues, who, while they denounce the late action of Congress as illegal, unconstitutional, and despotic, nevertheless declare it to be their purpose to control, if they can, all action thereunder, with the declared purpose, as soon as representation in Congress is secured, of immediately repudiating their compact with the National Government, and, by a change of the constitution of the State, disfranchise the recently enfranchised citizens of the State, prohibit the education of their children, and adopt other reactionary and revolutionary measures.

“That the Congress of the Nation is solemnly pledged not to recognize any State government made by and in the hands of open and declared enemies of the great principles of liberty and justice embraced in the measures of reconstruction; and more especially will Congress refuse to recognize a government in the hands of men who avow it to be their purpose to overthrow these great principles the moment they obtain Congressional recognition of their dishonest and hypocritical action; and we warn every good citizen of the State who favors reconstruction, and wishes to enjoy the blessings and benefits to be derived from our early restoration to the Union, against the criminal folly of intrusting the work to such hands.”

A convention of North Carolinians said in one of its resolutions :—

“The American Congress is eminently entitled to the profound thanks of the whole country for its persevering, persistent, and heroic devotion to the great principles of human rights as enunciated in the Declaration of Independence.”

Chief Justice Chase had "taken sides" against Congress, as, indeed, did, after a time, the majority of the members of the Supreme Court, and some of its important decisions as bearing on reconstruction supported the President's policy. Mississippi very foolishly applied to this court for an injunction to restrain Andrew Johnson as President, or simply as a citizen of Tennessee, from carrying out the military reconstruction policy of Congress. But the court wisely decided that there was no power in it to interfere with the President, although a process might issue as to the general commanding the district.

This reference to public opinion is not meant here to prove one thing or another, but simply to indicate the sources from which sprang the supporters of the President on one side, and of Congress on the other. The whole matter had already drifted into the hands of the two great parties, the disorganized Democracy now putting forth every exertion to recover its former condition and elements of success. One of the worst features in the President's position, on most points, was in the fact that the rebels of the South and the entire race of their Northern sympathizers came at once to its support, and were, after a time, the main or only force on that side. These men suddenly became champions of the theory of the absolute indissolubility of the Union, and fell to abusing the majority in Congress and the Republican party for a policy which they held was based on their own former exploded doctrine of secession. But party and other passions now ruled the hour to a great

extent. The patriot was going down, and the mere politician was again coming to the lead. And great care would be required in deciding upon the truth or justice of a principle or a plan from the number or character of the men supporting it.

While suspicion would evidently rest upon those who had fought for the wrong, and those who had been aiders and abettors, if no more than morally, the policy of Congress was by no means proven to be right and the best possible, by the name and character of its supporters. Conquerors, in many a good cause, have tarnished their history by subsequent excesses. While the evidence, from a moral aspect, as well as from some other points of view, is certainly on the side of Congress and in favor of its policy, we must seek in other directions more unerring means of judgment.

CHAPTER XVI.

THE FENIANS—THIRD ANNUAL MESSAGE—JEFFERSON
DAVIS—HORACE GREELEY—GENERAL AMNESTY.

IN the summer of 1866 the "Fenians" of this country made a foolish warlike demonstration on the Canadian border, which gave the Administration some anxiety. On the 6th of June the President issued a proclamation warning these "evil-disposed" persons to make no military or other unfriendly movements from the United States against the peaceable dominions of Great Britain; and General George G. Meade, commanding the Atlantic Military Division, was authorized to "arrest all prominent, leading, or conspicuous persons called Fenians," whom he believed to be guilty of violating the neutrality laws of this Nation. Poor, miserable, ignorant, downtrodden, but liberty-loving Ireland! it could never be politic in America to lend her a helping hand in the struggle for freedom.

The beaten, rebellious South was now divided into military districts, according to the Congressional plan of reconstruction, and under the general direction of the President the work of reorganization went slowly and unsatisfactorily forward. Riot and bloodshed were uppermost, and the military arm became the only safeguard of the oppressed.

The Fortieth Congress, as it was called, began its first session at noon on the 4th of March, 1867; that is, after adjourning the short session of the winter of 1866, Congress continued to sit. Of this session there were two short adjourned sessions in July and November, but the whole sitting was of short duration and of little consequence, the time being spent mainly in providing ways and means to push forward the experiment of reconstruction, and sustain the vast monetary responsibilities of the Government.

Benjamin F. Wade, of Ohio, was now President of the Senate and Acting Vice-President of the Nation. Otherwise there was no change in the officers, and the vast Republican majority in both Houses remained materially unaltered. In the meantime, late in 1866, and early in 1867, the States had voted on the proposed Fourteenth Amendment to the Constitution, twenty-one of them ratifying it, and Delaware, Maryland, and Kentucky, with the ten unreconstructed rebel States, voting against it. Florida and Mississippi voted unanimously against the amendment, and in the Legislatures of the other insurrectionary States there were but few voices in its support.

On the first Monday of December, 1867, Congress again convened in regular session, and adjourned in July, 1868, after a most exciting and memorable session, the ten unreconstructed States, with their twenty Senators and fifty members of the Lower House, not being represented.

THIRD ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:—

The continued disorganization of the Union, to which the President has so often called the attention of Congress, is yet a subject of profound and patriotic concern. We may, however, find some relief from that anxiety in the reflection that the painful political situation, although before untried by ourselves, is not new in the experience of nations. Political science, perhaps as highly perfected in our own time and country as in any other, has not yet disclosed any means by which civil wars can be absolutely prevented. An enlightened nation, however, with a wise and beneficent constitution of free government, may diminish their frequency and mitigate their severity by directing all its proceedings in accordance with its fundamental law.

When a civil war has been brought to a close, it is manifestly the first interest and duty of the State to repair the injuries which the war has inflicted, and to secure the benefit of the lessons it teaches as fully and as speedily as possible. This duty was, upon the termination of the Rebellion, promptly accepted, not only by the Executive Department, but by the insurrectionary States themselves, and restoration, in the first moment of peace, was believed to be as easy and certain as it was indispensable. The expectations, however, then so reasonably and confidently entertained, were disappointed by legislation from which I felt constrained, by my obligations to the Constitution, to withhold my assent.

It is therefore a source of profound regret that, in complying with the obligation imposed upon the President by the Constitution, to give to Congress from time to time information of the state of the Union, I am unable to communicate any definitive adjustment, satisfactory to the American people, of the questions which, since the close of the Rebellion, have agitated the public mind. On the contrary, candor compels me to declare that at this time there is no Union as our fathers understood the term, and as they meant it to be understood by us. The Union which they established can exist only where all the

States are represented in both Houses of Congress; where one State is as free as another to regulate its internal concerns according to its own will; and where the laws of the central government, strictly confined to matters of national jurisdiction, apply with equal force to all the people of every section. That such is not the present "state of the Union" is a melancholy fact; and we must all acknowledge that the restoration of the States to their proper legal relations with the Federal Government and with one another, according to the terms of the original compact, would be the greatest temporal blessing which God, in his kindest providence, could bestow upon this Nation. It becomes our imperative duty to consider whether or not it is impossible to effect this most desirable consummation.

The Union and the Constitution are inseparable. As long as one is obeyed by all parties, the other will be preserved; and if one is destroyed, both must perish together. The destruction of the Constitution will be followed by other and still greater calamities. It was ordained not only to form a more perfect union between the States, but to "establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Nothing but implicit obedience to its requirements in all parts of the country will accomplish these great ends. Without that obedience, we can look forward only to continual outrages upon individual rights, incessant breaches of the public peace, national weakness, financial dishonor, the total loss of our prosperity, the general corruption of morals, and the final extinction of popular freedom. To save our country from evils so appalling as these, we should renew our efforts again and again.

To me the process of restoration seems perfectly plain and simple. It consists merely in a faithful application of the Constitution and laws. The execution of the laws is not now obstructed or opposed by physical force. There is no military or other necessity, real or pretended, which can prevent obedience to the Constitution, either North or South. All the rights and all the obligations of States and individuals can be protected and enforced by means perfectly consistent with the fundamental law. The courts may be everywhere open; and if open,

their process would be unimpeded. Crimes against the United States can be prevented or punished by the proper judicial authorities, in a manner entirely practicable and legal. There is therefore no reason why the Constitution should not be obeyed, unless those who exercise its powers have determined that it shall be disregarded and violated. The mere naked will of this Government, or of some one or more of its branches, is the only obstacle that can exist to a perfect union of all the States.

On this momentous question, and some of the measures growing out of it, I have had the misfortune to differ from Congress, and have expressed my convictions without reserve, though with becoming deference to the opinion of the Legislative Department. Those convictions are not only unchanged, but strengthened by subsequent events and further reflection. The transcendent importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment. The hope that we may all finally concur in a mode of settlement, consistent at once with our true interests and with our sworn duties to the Constitution, is too natural and too just to be easily relinquished.

It is clear to my apprehension that the States lately in rebellion are still members of the national Union. When did they cease to be so? The "ordinances of secession" adopted by a portion (in most of them a very small portion) of their citizens, were mere nullities. If we admit now that they were valid and effectual for the purpose intended by their authors, we sweep from under our feet the whole ground upon which we justified the war. Were those States afterwards expelled from the Union by the war? The direct contrary was averred by this Government to be its purpose, and was so understood by all those who gave their blood and treasure to aid in its prosecution. It can not be that a successful war, waged for the preservation of the Union, had the legal effect of dissolving it. The victory of the Nation's arms was not the disgrace of her policy; the defeat of secession on the battle-field was not the triumph of its lawless principle. Nor could Congress, with or without the consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States

from each other. To dissolve the Union is to repeal the Constitution which holds it together, and that is a power which does not belong to any department of this Government, or to all of them united.

This is so plain that it has been acknowledged by all branches of the Federal Government. The Executive (my predecessor as well as myself) and the heads of all the Departments have uniformly acted upon the principle that the Union is not only undissolved, but indissoluble. Congress submitted an amendment of the Constitution to be ratified by the Southern States, and accepted their acts of ratification as a necessary and lawful exercise of their highest function. If they were not States, or were States out of the Union, their consent to a change in the fundamental law of the Union would have been nugatory, and Congress, in asking it, committed a political absurdity. The judiciary has also given the solemn sanction of its authority to the same view of the case. The judges of the Supreme Court have included the Southern States in their circuit, and they are constantly, *in banc* and elsewhere, exercising jurisdiction which does not belong to them, unless those States are States of the Union.

If the Southern States are component parts of the Union, the Constitution is the supreme law for them, as it is for all the other States. They are bound to obey it, and so are we. The right of the Federal Government, which is clear and unquestionable, to enforce the Constitution upon them, implies the correlative obligation on our part to observe its limitations and execute its guarantees. Without the Constitution we are nothing; by, through, and under, the Constitution we are what it makes us. We may doubt the wisdom of the law, we may not approve of its provisions, but we can not violate it merely because it seems to confine our powers within limits narrower than we could wish. It is not a question of individual, or class, or sectional interest, much less of party predominance, but of duty—of high and sacred duty—which we are all sworn to perform. If we can not support the Constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants who act under solemn obligations and commands which they dare not disregard.

The Constitutional duty is not the only one which requires the States to be restored. There is another consideration which, though of minor importance, is yet of great weight. On the 22d day of July, 1861, Congress declared, by an almost unanimous vote of both Houses, that the war should be conducted solely for the purpose of preserving the Union, and maintaining the supremacy of the Federal Constitution and laws, without impairing the dignity, equality, and rights of the States or of individuals, and that when this was done the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they voted. But it was a solemn, public, official pledge of the national honor, and I can not imagine upon what grounds the repudiation of it is to be justified. If it be said that we are not bound to keep faith with rebels, let it be remembered that this promise was not made to rebels only. Thousands of true men in the South were drawn to our standard by it, and hundreds of thousands in the North gave their lives in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost. All patriotic and intelligent men then saw the necessity of giving such an assurance, and believed that without it the war would end in disaster to our cause. Having given that assurance in the extremity of our peril, the violation of it now, in the day of our power, would be a rude rending of that good faith which holds the moral world together; our country would cease to have any claim upon the confidence of men; it would make the war not only a failure but a fraud.

Being sincerely convinced that these views are correct, I would be unfaithful to my duty if I did not recommend the repeal of the Acts of Congress which place ten of the Southern States under the domination of military masters. If calm reflection shall satisfy a majority of your honorable bodies that the Acts referred to are not only a violation of the national faith, but in direct conflict with the Constitution, I dare not permit myself to doubt that you will immediately strike them from the statute-book.

To demonstrate the unconstitutional character of those Acts,

I need do no more than refer to their general provisions. It must be seen at once that they are not authorized. To dictate what alterations shall be made in the constitutions of the several States; to control the elections of State legislators and State officers, members of Congress and electors of President and Vice-President, by arbitrarily declaring who shall vote and who shall be excluded from that privilege; to dissolve State Legislatures or prevent them from assembling; to dismiss judges and other civil functionaries of the State, and appoint others without regard to State law; to organize and operate all the political machinery of the States; to regulate the whole administration of their domestic and local affairs according to the mere will of strange and irresponsible agents, sent among them for that purpose—these are powers not granted to the Federal Government, or to any one of its branches. Not being granted, we violate our trust by assuming them, as palpably as we would by acting in the face of a positive interdict; for the Constitution forbids us to do whatever it does not affirmatively authorize, either by express words or by clear implication. If the authority we desire to use does not come to us through the Constitution, we can exercise it only by usurpation; and usurpation is the most dangerous of political crimes. By that crime the enemies of free government in all ages have worked out their designs against public liberty and private right. It leads directly and immediately to the establishment of absolute rule; for undelegated power is always unlimited and unrestrained.

The Acts of Congress in question are not only objectionable for their assumption of ungranted power, but many of their provisions are in conflict with the direct prohibitions of the Constitution. The Constitution commands that a republican form of government shall be guaranteed to all the States; that no person shall be deprived of life, liberty, or property without due process of law, arrested without a judicial warrant, or punished without a fair trial before an impartial jury; that the privilege of *habeas corpus* shall not be denied in time of peace; and that no bill of attainder shall be passed, even against a single individual. Yet the system of measures established by these Acts of Congress does totally subvert and destroy the form as well as the substance of republican government in the ten

States to which they apply. It binds them hand and foot in absolute slavery, and subjects them to a strange and hostile power, more unlimited and more likely to be abused than any other now known among civilized men. It tramples down all those rights in which the essence of liberty consists, and which a free government is always most careful to protect. It denies the *habeas corpus* and the trial by jury. Personal freedom, property, and life, if assailed by the passion, the prejudice, or the rapacity of the ruler, have no security whatever. It has the effect of a bill of attainder, or bill of pains and penalties, not upon a few individuals, but upon whole masses, including the millions who inhabit the subject States, and even their unborn children. These wrongs, being expressly forbidden, can not be Constitutionally inflicted upon any portion of our people, no matter how they may have come within our jurisdiction, and no matter whether they live in States, Territories, or districts.

I have no desire to save from the proper and just consequences of their great crime those who engaged in rebellion against the Government, but as a mode of punishment the measures under consideration are the most unreasonable that could be invented. Many of those people are perfectly innocent; many kept their fidelity to the Union untainted to the last; many were incapable of any legal offense; a large proportion even of the persons able to bear arms were forced into rebellion against their will, and of those who are guilty with their own consent, the degrees of guilt are as various as the shades of their character and temper. But these Acts of Congress confound them all together in one common doom. Indiscriminate vengeance upon classes, sects, and parties, or upon whole communities, for offenses committed by a portion of them against the governments to which they owed obedience, was common in the barbarous ages of the world. But Christianity and civilization have made such progress that recourse to a punishment so cruel and unjust would meet with the condemnation of all unprejudiced and right-minded men. The punitive justice of this age, and especially of this country, does not consist in stripping whole States of their liberties, and reducing all their people, without distinction, to the condition of slavery. It deals separately with each individual, confines itself to the

forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to Southern rebels, let us console ourselves by reflecting that a free Constitution, triumphant in war and unbroken in peace, is worth far more to us and our children than the gratification of any present feeling.

I am aware it is assumed that this system of government for the Southern States is not to be perpetual. It is true this military government is to be only provisional; but it is through this temporary evil that a greater evil is to be made perpetual. If the guarantees of the Constitution can be broken provisionally to serve a temporary purpose, and in a part only of the country, we can destroy them everywhere and for all time. Arbitrary measures often change, but they generally change for the worse. It is the curse of despotism that it has no halting place. The intermitted exercise of its power brings no sense of security to its subjects; for they can never know what more they will be called to endure when its red right hand is armed to plague them again. Nor is it possible to conjecture how or where power, unrestrained by law, may seek its next victims. The States that are still free may be enslaved at any moment; for if the Constitution does not protect all, it protects none.

It is manifestly and avowedly the object of these laws to confer upon negroes the privilege of voting, and to disfranchise such a number of white citizens as will give the former a clear majority at all elections in the Southern States. This, to the minds of some persons, is so important that a violation of the Constitution is justified as a means of bringing it about. The morality is always false which excuses a wrong because it proposes to accomplish a desirable end. We are not permitted to do evil that good may come. But in this case the end itself is evil, as well as the means. The subjugation of the States to negro domination would be worse than the military despotism under which they are now suffering. It was believed beforehand that the people would endure any amount of military oppression, for any length of time, rather than degrade themselves by subjection to the negro race. Therefore they have been left without a choice. Negro suffrage was established by

Act of Congress, and the military officers were commanded to superintend the process of clothing the negro race with the political privileges torn from white men.

The blacks in the South are entitled to be well and humanely governed, and to have the protection of just laws for all their rights of person and property. If it were practicable at this time to give them a government exclusively their own, under which they might manage their own affairs in their own way, it would become a grave question whether we ought to do so, or whether common humanity would not require us to save them from themselves. But, under the circumstances, this is only a speculative point. It is not proposed merely that they shall govern themselves, but that they shall rule the white race, make and administer State laws, elect Presidents and members of Congress, and shape, to a greater or less extent, the future destiny of the whole country. Would such a trust and power be safe in such hands?

The peculiar qualities which should characterize any people who are fit to decide upon the management of public affairs for a great State have seldom been combined. It is the glory of white men to know that they have had these qualities in sufficient measure to build upon this continent a great political fabric, and to preserve its stability for more than ninety years, while in every other part of the world all similar experiments have failed. But if anything can be proved by known facts, if all reasoning upon evidence is not abandoned, it must be acknowledged that in the progress of nations negroes have shown less capacity for government than any other race of people. No independent government of any form has ever been successful in their hands. On the contrary, wherever they have been left to their own devices, they have shown a constant tendency to relapse into barbarism. In the Southern States, however, Congress has undertaken to confer upon them the privilege of the ballot. Just released from slavery, it may be doubted whether as a class they know more than their ancestors how to organize and regulate civil society. Indeed, it is admitted that the blacks of the South are not only regardless of the rights of property, but so utterly ignorant of public affairs that their voting can consist in nothing more than carrying

a ballot to the place where they are directed to deposit it. I need not remind you that the exercise of the elective franchise is the highest attribute of an American citizen; and that when guided by virtue, intelligence, patriotism, and a proper appreciation of our free institutions, it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificially created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought therefore to be reposed in none except those who are fitted morally and mentally to administer it well; for if conferred upon persons who do not justly estimate its value, and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator. I have, therefore, heretofore urged upon your attention the great danger "to be apprehended from an untimely extension of the elective franchise to any new class in our country, especially when the large majority of that class, in wielding the power thus placed in their hands, can not be expected correctly to comprehend the duties and responsibilities which pertain to suffrage. Yesterday, as it were, four millions of persons were held in a condition of slavery that had existed for generations; to-day they are freemen, and are assumed by law to be citizens. It can not be presumed, from their previous condition of servitude, that as a class they are as well informed as to the nature of our government as the intelligent foreigner who makes our land the home of his choice. In the case of the latter, neither a residence of five years, and the knowledge of our institutions which it gives, nor attachment to the principles of the Constitution, are the only conditions upon which he can be admitted to citizenship. He must prove, in addition, a good moral character, and thus give reasonable ground for the belief that he will be faithful to the obligations which he assumes as a citizen of the Republic. Where a people—the source of all political power—speak by their suffrages, through the instrumentality of the ballot-box, it must be carefully guarded against the control

of those who are corrupt in principle and enemies of free institutions; for it can only become to our political and social system a safe conductor of healthy popular sentiment when kept free from demoralizing influences. Controlled through fraud and usurpation by the designing, anarchy and despotism must inevitably follow. In the hands of the patriotic and worthy, our Government will be preserved upon the principles of the Constitution inherited from our fathers. It follows, therefore, that in admitting to the ballot-box a new class of voters not qualified for the exercise of the elective franchise, we weaken our system of Government instead of adding to its strength and durability." "I yield to no one in attachment to that rule of general suffrage which distinguishes our policy as a Nation. But there is a limit, wisely observed hitherto, which makes the ballot a privilege and a trust, and which requires of some classes a time suitable for probation and preparation. To give it indiscriminately to a new class, wholly unprepared by previous habits and opportunities to perform the trust which it demands, is to degrade it, and finally to destroy its power; for it may be safely assumed that no political truth is better established than that such indiscriminate and all-embracing extension of popular suffrage must end at last in its overthrow and destruction."

I repeat the expression of my willingness to join in any plan within the scope of our Constitutional authority which promises to better the condition of the negroes in the South, by encouraging them in industry, enlightening their minds, improving their morals, and giving protection to all their just rights as freedmen. But the transfer of our political inheritance to them would, in my opinion, be an abandonment of a duty which we owe alike to the memory of our fathers and the rights of our children.

The plan of putting the Southern States wholly, and the General Government partially, into the hands of negroes, is proposed at a time peculiarly unpropitious. The foundations of society have been broken up by civil war. Industry must be reorganized, justice re-established, public credit maintained, and order brought out of confusion. To accomplish these ends would require all the wisdom and virtue of the great men who

formed our institutions originally. I confidently believe that their descendants will be equal to the arduous task before them, but it is worse than madness to expect that negroes will perform it for us. Certainly we ought not to ask their assistance till we despair of our own competency.

The great difference between the two races in physical, mental, and moral characteristics will prevent an amalgamation or fusion of them together in one homogeneous mass. If the inferior obtains the ascendancy over the other, it will govern with reference only to its own interests—for it will recognize no common interest—and create such a tyranny as this continent has never witnessed. Already the negroes are influenced by promises of confiscation and plunder. They are taught to regard as an enemy every white man who has any respect for the rights of his own race. If this continues, it must become worse and worse, until all order will be subverted, all industry cease, and the fertile fields of the South grow up into a wilderness. Of all the dangers which our Nation has yet encountered, none are equal to those which must result from the success of the effort now making to Africanize the half of our country.

I would not put considerations of money in competition with justice and right. But the expenses incident to "reconstruction" under the system adopted by Congress aggravate what I regard as the intrinsic wrong of the measure itself. It has cost uncounted millions already, and if persisted in will add largely to the weight of taxation, already too oppressive to be borne without just complaint, and may finally reduce the treasury of the Nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army, and probably more than two hundred millions of dollars per annum, to maintain the supremacy of negro governments after they are established. The sum thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years. It is vain to hope that negroes will maintain their ascendancy themselves. Without military power they are wholly incapable of holding in subjection the white people of the South.

I submit to the judgment of Congress whether the public credit may not be injuriously affected by a system of measures

like this. With our debt, and the vast private interests which are complicated with it, we can not be too cautious of a policy which might, by possibility, impair the confidence of the world in our Government. That confidence can only be retained by carefully inculcating the principles of justice and honor on the popular mind, and by the most scrupulous fidelity to all our engagements of every sort. Any serious breach of the organic law, persisted in for a considerable time, can not but create fears for the stability of our institutions. Habitual violation of prescribed rules, which we bind ourselves to observe, must demoralize the people. Our only standard of civil duty being set at naught, the sheet anchor of our political morality is lost, the public conscience swings from its moorings, and yields to every impulse of passion and interest. If we repudiate the Constitution we will not be expected to care much for mere pecuniary obligations. The violation of such a pledge as we made on the 22d day of July, 1861, will assuredly diminish the market value of our other promises. Besides, if we acknowledge that the national debt was created, not to hold the States in the Union, as the tax-payers were led to suppose, but to expel them from it and hand them over to be governed by negroes, the moral duty to pay it may seem much less clear. I say it may *seem* so; for I do not admit that this or any other argument in favor of repudiation can be entertained as sound; but its influence on some classes of minds may well be apprehended. The financial honor of a great commercial nation, largely indebted, and with a republican form of government administered by agents of the popular choice, is a thing of such delicate texture, and the destruction of it would be followed by such unspeakable calamity, that every true patriot must desire to avoid whatever might expose it to the slightest danger.

The great interests of the country require immediate relief from these enactments. Business in the South is paralyzed by a sense of general insecurity, by the terror of confiscation, and the dread of negro supremacy. The Southern trade, from which the North would have derived so great a profit under a government of law, still languishes, and can never be revived until it ceases to be fettered by the arbitrary power which makes all its operations unsafe. That rich country, the richest

in natural resources the world ever saw, is worse than lost if it be not soon placed under the protection of a free Constitution. Instead of being, as it ought to be, a source of wealth and power, it will become an intolerable burden upon the rest of the Nation.

Another reason for retracing our steps will doubtless be seen by Congress in the late manifestations of public opinion upon this subject. We live in a country where the popular will always enforces obedience to itself, sooner or later. It is vain to think of opposing it with anything short of legal authority, backed by overwhelming force. It can not have escaped your attention that from the day on which Congress fairly and formally presented the proposition to govern the Southern States by military force, with a view to the ultimate establishment of negro supremacy, every expression of the general sentiment has been more or less adverse to it. The affections of this generation can not be detached from the institutions of their ancestors. Their determination to preserve the inheritance of free government in their own hands, and transmit it undivided and unimpaired to their own posterity, is too strong to be successfully opposed. Every weaker passion will disappear before that love of liberty and law for which the American people are distinguished above all others in the world.

How far the duty of the President, "to preserve, protect, and defend the Constitution," requires him to go in opposing an unconstitutional act of Congress, is a very serious and important question, on which I have deliberated much, and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of the Constitution by the supreme legislative authority, and is regularly enrolled among the public statutes of the country, Executive resistance to it, especially in times of high party excitement, would be likely to produce violent collision between the respective adherents of the two branches of the Government. This would be simply civil war; and civil war must be resorted to only as the last remedy for the worst of evils. Whatever might tend to provoke it should be most carefully avoided. A faithful and conscientious Magistrate will concede very much to honest error,

and something even to perverse malice, before he will endanger the public peace; and he will not adopt forcible measures, or such as might lead to force, as long as those which are peaceable remain open to him or to his constituents. It is true that cases may occur in which the Executive would be compelled to stand on its rights, and maintain them regardless of all consequences. If Congress should pass an act which is not only in palpable conflict with the Constitution, but will certainly, if carried out, produce immediate and irreparable injury to the organic structure of the Government, and if there be neither judicial remedy for the wrongs it inflicts, nor power in the people to protect themselves without the official aid of their elected defender; if, for instance, the Legislative Department should pass an act even through all the forms of law to abolish a co-ordinate Department of the Government, in such a case the President must take the high responsibilities of his office, and save the life of the Nation at all hazards. The so-called Reconstruction Acts, though as plainly unconstitutional as any that can be imagined, were not believed to be within the class last mentioned. The people were not wholly disarmed of the power of self-defense. In all the Northern States they still held in their hands the sacred right of the ballot, and it was safe to believe that in due time they would come to the rescue of their own institutions. It gives me pleasure to add that the appeal to our common constituents was not taken in vain, and that my confidence in their wisdom and virtue seems not to have been misplaced.

It is well and publicly known that enormous frauds have been perpetrated on the treasury, and that colossal fortunes have been made at the public expense. This species of corruption has increased, is increasing, and if not diminished will soon bring us into total ruin and disgrace. The public creditors and the tax-payers are alike interested in an honest administration of the finances, and neither class will long endure the large-handed robberies of the recent past. For this discreditable state of things there are several causes. Some of the taxes are so laid as to present an irresistible temptation to evade payment. The great sums which officers may win by connivance at fraud create a pressure which is more than the virtue of

many can withstand; and there can be no doubt that the open disregard of Constitutional obligations avowed by some of the highest and most influential men in the country has greatly weakened the moral sense of those who serve in subordinate places. The expenses of the United States, including interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision as well as systematic vigilance. The system, never perfected, was much disorganized by the "Tenure of Office Bill," which has almost destroyed official accountability. The President may be thoroughly convinced that an officer is incapable, dishonest, or unfaithful to the Constitution, but, under the law which I have named, the utmost he can do is to complain to the Senate, and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically hostile to the President, it is natural, and not altogether unreasonable, for the officer to expect that it will take his part as far as possible, restore him to his place, and give him a triumph over his Executive superior. The officer has other chances of impunity arising from accidental defects of evidence, the mode of investigating it, and the secrecy of the hearing. It is not wonderful that official malfeasance should become bold in proportion as the delinquents learn to think themselves safe. I am entirely persuaded that under such a rule the President can not perform the great duty assigned to him of seeing the laws faithfully executed, and that it disables him most especially from enforcing that rigid accountability which is necessary to the due execution of the revenue laws.

The Constitution invests the President with authority to decide whether a removal should be made in any given case; the act of Congress declares, in substance, that he shall only accuse such as he supposes to be unworthy of their trust. The Constitution makes him sole judge in the premises; but the statute takes away his jurisdiction, transfers it to the Senate, and leaves him nothing but the odious and sometimes impracticable duty of becoming a prosecutor. The prosecution is to be conducted before a tribunal whose members are not, like him, responsible to the whole people, but to separate constituent

bodies, and who may hear his accusation with great disfavor. The Senate is absolutely without any known standard of decision applicable to such a case. Its judgment can not be anticipated, for it is not governed by any rule. The law does not define what shall be deemed good cause for removal. It is impossible even to conjecture what may or may not be so considered by the Senate. The nature of the subject forbids clear proof. If the charge be incapacity, what evidence will support it? Fidelity to the Constitution may be understood or misunderstood in a thousand different ways, and by violent party men, in violent party times, unfaithfulness to the Constitution may even come to be considered meritorious. If the officer be accused of dishonesty, how shall it be made out? Will it be inferred from acts unconnected with public duty, from private history, or from general reputation? Or must the President await the commission of an actual misdemeanor in office? Shall he, in the meantime, risk the character and interest of the Nation in the hands of men to whom he can not give his confidence? Must he forbear his complaint until the mischief is done and can not be prevented? If his zeal in the public service should impel him to anticipate the overt act, must he move at the peril of being tried himself for the offense of slandering his subordinate? In the present circumstances of the country, some one must be held responsible for official delinquency of every kind. It is extremely difficult to say where that responsibility should be thrown, if it be not left where it has been placed by the Constitution. But all just men will admit that the President ought to be entirely relieved from such responsibility if he can not meet it by reason of restrictions placed by law upon his action.

The unrestricted power of removal from office is a very great one to be trusted even to a magistrate chosen by the general suffrage of the whole people, and accountable directly to them for his acts. It is undoubtedly liable to abuse, and at some periods of our history has been abused. If it be thought desirable and Constitutional that it should be so limited as to make the President merely a common informer against other public agents, he should at least be permitted to act in that capacity before some open tribunal, independent of party politics, ready

to investigate the merits of every case, furnished with the means of taking evidence, and bound to decide according to established rules. This would guarantee the safety of the accuser when he acts in good faith, and at the same time secure the rights of the other party. I speak of course with all proper respect for the present Senate, but it does not seem to me that any legislative body can be so constituted as to insure its fitness for these functions.

It is not the theory of this Government that public offices are the property of those who hold them. They are given merely as a trust for the public benefit, sometimes for a fixed period, sometimes during good behavior, but generally they are liable to be terminated at the pleasure of the appointing power, which represents the collective majesty and speaks the will of the people. The forced retention in office of a single dishonest person may work great injury to the public interests. The danger to the public service comes not from the power to remove, but from the power to appoint. Therefore it was that the framers of the Constitution left the power of removal unrestricted, while they gave the Senate a right to reject all appointments which, in its opinion, were not fit to be made. A little reflection on this subject will probably satisfy all who have the good of the country at heart that our best course is to take the Constitution for our guide, walk in the path marked out by the founders of the Republic, and obey the rules made sacred by the observance of our great predecessors.

The present condition of our finances and circulating medium is one to which your early consideration is invited.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of the ocean; and indeed currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the Rebellion the bank-note circulation

of the country amounted to not much more than two hundred millions of dollars; now the circulation of national bank-notes and those known as "legal tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues, when compared with a metallic or convertible currency. For this purpose, let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter, showing that when our paper currency is compared with gold and silver, its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the Government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holder of its notes and those of the national banks to convert them, without loss, into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent, their present specie value in the hands of their holders would be enhanced one hundred per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument, the country had just emerged from the War of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils that they themselves had experienced. Hence, in providing a circulating medium, they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making anything but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking con-

trast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal-tender notes, issued by the United States, and which the law requires shall be received as well in payment of all debts between citizens as of all Government dues, excepting imposts; and third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of Government creditors, who, holding its bonds, semi-annually receive their interest in coin from the national treasury. They are thus made to occupy an invidious position, which may be used to strengthen the arguments of those who would bring into disrepute the obligations of the Nation. In the payment of all its debts, the plighted faith of the Government should be inviolably maintained. But while it acts with fidelity toward the bondholder who loaned his money that the integrity of the Union might be preserved, it should at the same time observe good faith with the great masses of the people, who, having rescued the Union from the perils of rebellion, now bear the burdens of taxation, that the Government may be able to fulfill its engagements. There is no reason which will be accepted as satisfactory by the people, why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the nation, bearing the scars and wounds received while in its service; the public servants in the various departments of the Government; the farmer who supplies the soldiers of the army and the sailors of the navy; the artisan who toils in the Nation's workshops; or the mechanics and laborers who build its edifices and construct its forts and vessels of war, should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution; and by this means we would

remove a discrimination which may, if it has not already done so, create a prejudice that may become deep-rooted and wide-spread, and imperil the national credit.

The feasibility of making our currency correspond with the Constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The production of precious metals in the United States from 1849 to 1857, inclusive, amounted to \$579,000,000; from 1858 to 1860, inclusive, to \$137,500,000; and from 1861 to 1867, inclusive, to \$457,500,000, making the grand aggregate of products since 1849, \$1,174,000,000. The amount of specie coined from 1849 to 1857, inclusive, was \$439,000,000; from 1858 to 1860, inclusive, \$125,000,000; and from 1861 to 1867, inclusive, \$310,000,000, making the total coinage since 1849, \$874,000,000. From 1849 to 1857, inclusive, the net exports of specie amounted to \$271,000,000; from 1858 to 1860, inclusive, to \$148,000,000; and from 1861 to 1867, inclusive, \$322,000,000, making the aggregate of net exports since 1849, \$741,000,000. These figures show an excess of product over net exports of \$433,000,000. There are in the treasury \$111,000,000 in coin, something more than \$40,000,000 in circulation on the Pacific coast, and a few millions in the national and other banks, in all about \$160,000,000. This, however, taking into account the specie in the country prior to 1849, leaves more than three hundred millions of dollars which have not been accounted for by exportation, and therefore may yet remain in the country.

These are important facts, and show how completely the inferior currency will supersede the better, forcing it from circulation among the masses, and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money, that the return of gold and silver to the avenues of trade may be invited, and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency so long as the Government, by continuing to issue irredeemable notes, fills the channels of circulation

with depreciated paper. Notwithstanding a coinage by our mints, since 1849, of eight hundred and seventy-four millions of dollars, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the Nation the care and expense incident to such establishments, and let all our precious metals be exported in bullion. The time has come, however, when the Government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments at the earliest practicable period. Specie payments having been once resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than twenty dollars should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

“Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium; such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation.” It has been asserted by one of our profound and most gifted statesmen, that “of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the

rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation; these bear lightly on the happiness of the mass of the community compared with a fraudulent currency, and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough and more than enough of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency, authorized by law or in any way countenanced by Government." It is one of the most successful devices, in times of peace or war, expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited in strong boxes under bolts and bars, while the people are left to endure all the inconvenience, sacrifice, and demoralization resulting from the use of a depreciated and worthless paper money.

The condition of our finances and the operations of our revenue system are set forth and fully explained in the able and instructive report of the Secretary of the Treasury. On the 30th of June, 1866, the public debt amounted to \$2,783,425,870; on the 30th of June last it was \$2,692,199,215, showing a reduction during the fiscal year of \$91,226,664. During the fiscal year ending June 30, 1867, the receipts were \$490,634,010, and the expenditures \$346,729,129, leaving an available surplus \$143,904,880. It is estimated that the receipts for the fiscal year ending June 30, 1868, will be \$417,161,928, and that the expenditures will reach the sum of \$393,269,226, leaving in the treasury a surplus of \$23,892,702. For the fiscal year ending June 30, 1869, it is estimated that the receipts will amount to \$381,000,000, and that the expenditures will be \$372,000,000, showing an excess of \$9,000,000 in favor of the Government.

The attention of Congress is earnestly invited to the necessity of a thorough revision of our revenue system. Our internal revenue laws and impost system should be so adjusted as to bear most heavily on articles of luxury, leaving the necessities of life as free from taxation as may be consistent with the real wants of the Government, economically administered. Taxation would not then fall unduly on the man of moderate means;

and while none would be entirely exempt from assessment, all, in proportion to their pecuniary abilities, would contribute towards the support of the State. A modification of the internal revenue system, by a large reduction in the number of articles now subject to tax, would be followed by results equally advantageous to the citizen and the Government. It would render the execution of the law less expensive and more certain, remove obstructions to industry, lessen the temptations to evade the law, diminish the violations and frauds perpetrated upon its provisions, make its operations less inquisitorial, and greatly reduce in numbers the army of tax-gatherers created by the system, who "take from the mouth of honest labor the bread it has earned." Retrenchment, reform, and economy should be carried into every branch of the public service, that the expenditures of the Government may be reduced and the people relieved from oppressive taxation; a sound currency should be restored, and the public faith in regard to the national debt sacredly observed. The accomplishment of these important results, together with the restoration of the Union of the States upon the principles of the Constitution, would inspire confidence at home and abroad in the stability of our institutions, and bring to the Nation prosperity, peace, and good-will.

The report of the Secretary of War *ad interim* exhibits the operations of the army and of the several bureaus of the War Department. The aggregate strength of our military force, on the 30th of September last, was 56,315. The total estimate for military appropriations is \$77,124,707, including a deficiency in last year's appropriation of \$13,600,000. The payments at the treasury on account of the service of the War Department from January 1 to October 29, 1867, a period of ten months, amounted to \$109,807,000. The expenses of the military establishment, as well as the numbers of the army, are now three times as great as they have ever been in time of peace; while the discretionary power is vested in the Executive to add millions to this expenditure by an increase of the army to the maximum strength allowed by the law.

The comprehensive report of the Secretary of the Interior furnishes interesting information in reference to the important branches of the public service connected with his Department.

The menacing attitude of some of the warlike bands of Indians inhabiting the district of country between the Arkansas and Platte Rivers, and portions of Dakota Territory, required the presence of a large military force in that region. Instigated by real or imaginary grievances, the Indians occasionally committed acts of barbarous violence upon emigrants and our frontier settlements; but a general Indian war has been providentially averted. The commissioners under the act of 20th July, 1867, were invested with full power to adjust existing difficulties, negotiate treaties with the disaffected bands, and select for them reservations remote from the traveled routes between the Mississippi and the Pacific. They entered without delay upon the execution of their trust, but have not yet made any official report of their proceedings. It is of vital importance that our distant Territories should be exempt from Indian outbreaks, and that the construction of the Pacific Railroad, an object of national importance, should not be interrupted by hostile tribes. These objects, as well as the material interests and the moral and intellectual improvement of the Indians, can be most effectually secured by concentrating them upon portions of country set apart for their exclusive use, and located at points remote from our highways and encroaching white settlements.

Since the commencement of the second session of the Thirty-ninth Congress, five hundred and ten miles of road have been constructed on the main line and branches of the Pacific Railway. The line from Omaha is rapidly approaching the eastern base of the Rocky Mountains, while the terminus of the last section of constructed road in California, accepted by the Government on the 24th day of October last, was but eleven miles distant from the summit of the Sierra Nevada. The remarkable energy evinced by the companies offers the strongest assurance that the completion of the road from Sacramento to Omaha will not be long deferred.

During the last fiscal year seven million forty-one thousand one hundred and fourteen acres of public land were disposed of, and the cash receipts from sales and fees exceeded by one-half million dollars the sum realized from those sources during the preceding year. The amount paid to pensioners, including

expenses of disbursements, was \$18,619,956, and thirty-six thousand four hundred and eighty-two names were added to the rolls. The entire number of pensioners on the 30th of June last was one hundred and fifty-five thousand four hundred and seventy-four. Eleven thousand six hundred and fifty-five patents and designs were issued during the year ending September 30, 1867, and at that date the balance in the treasury to the credit of the patent fund was \$286,607.

The report of the Secretary of the Navy states that we have seven squadrons actively and judiciously employed, under efficient and able commanders, in protecting the persons and property of American citizens, maintaining the dignity and power of the Government, and promoting the commerce and business interests of our countrymen in every part of the world. Of the two hundred and thirty-eight vessels composing the present navy of the United States, fifty-six, carrying five hundred and seven guns, are in squadron service. During the year the number of vessels in commission has been reduced twelve, and there are thirteen less on squadron duty than there were at the date of the last report. A large number of vessels were commenced and in the course of construction when the war terminated, and although Congress had made the necessary appropriations for their completion, the Department has either suspended work upon them or limited the slow completion of the steam-vessels, so as to meet the contracts for machinery made with private establishments. The total expenditures of the Navy Department for the fiscal year ending June 30, 1867, were \$31,034,011.

No appropriations have been made or required since the close of the war for the construction and repair of vessels, for steam machinery, ordnance, provisions and clothing, fuel, hemp, etc., the balances under these several heads having been more than sufficient for current expenditures. It should also be stated to the credit of the Department that, besides asking no appropriations for the above objects for the last two years, the Secretary of the Navy, on the 30th of September last, in accordance with the act of May 1, 1820, requested the Secretary of the Treasury to carry to the surplus fund the sum of sixty-five millions of dollars, being the amount received from

the sales of vessels and other war property, and the remnants of former appropriations.

The report of the Postmaster-General shows the business of the Post-office Department and the condition of the postal service in a very favorable light, and the attention of Congress is called to its practical recommendations. The receipts of the Department for the year ending June 30, 1867, including all special appropriations for sea and land service and for free mail matter, were \$19,978,693. The expenditures for all purposes were \$19,235,483, leaving an unexpended balance in favor of the Department of \$743,210, which can be applied towards the expenses of the Department for the current year. The increase of postal revenue, independent of specific appropriations, for the year 1867, over that of 1866, was \$850,040. The increase of revenue from the sale of stamps and stamped envelopes was \$783,404. The increase of expenditures for 1867 over those of the previous year was owing chiefly to the extension of the land and ocean mail service. During the past year new postal conventions have been ratified and exchanged with the United Kingdom of Great Britain and Ireland, Belgium, the Netherlands, Switzerland, the North German Union, Italy, and the colonial government at Hong Kong, reducing very largely the rates of ocean and land postages to and from and within those countries.

The report of the Acting Commissioner of Agriculture concisely presents the condition, wants, and progress of an interest eminently worthy the fostering care of Congress, and exhibits a large measure of useful results achieved during the year to which it refers.

The re-establishment of peace at home, and the resumption of extended trade, travel, and commerce abroad, have served to increase the number and variety of questions in the department for foreign affairs. None of these questions, however, have seriously disturbed our relations with other states.

The Republic of Mexico, having been relieved from foreign intervention, is earnestly engaged in efforts to re-establish her constitutional system of government. A good understanding continues to exist between our Government and the Republics of Hayti and San Domingo; and our cordial relations with the

Central and South American States remain unchanged. The tender, made in conformity with a resolution of Congress, of the good offices of the Government, with a view to an amicable adjustment of peace between Brazil and her allies on one side, and Paraguay on the other, and between Chili and her allies on the one side, and Spain on the other, though kindly received, has in neither case been fully accepted by the belligerents. The war in the valley of the Parana is still vigorously maintained. On the other hand, actual hostilities between the Pacific States and Spain have been more than a year suspended. I shall, on any proper occasion that may occur, renew the conciliatory recommendations which have been already made. Brazil, with enlightened sagacity and comprehensive statesmanship, has opened the great channels of the Amazon and its tributaries to universal commerce. One thing more seems needful to assure a rapid and cheering progress in South America. I refer to those peaceful habits without which States and nations can not, in this age, well expect material prosperity or social advancement.

The Exposition of Universal Industry at Paris has passed, and seems to have fully realized the high expectations of the French government. If due allowance be made for the recent political derangement of industry here, the part which the United States has borne in this exhibition of invention and art may be regarded with very high satisfaction. During the Exposition a conference was held of delegates from several nations, the United States being one, in which the inconveniences of commerce and social intercourse resulting from the diverse standards of money value were very fully discussed, and plans were developed for establishing, by universal consent, a common principle for the coinage of gold. These conferences are expected to be renewed, with the attendance of many foreign States not hitherto represented. A report of these interesting proceedings will be submitted to Congress, which will no doubt justly appreciate the great object, and be ready to adopt any measure which may tend to facilitate its ultimate accomplishment.

On the 25th of February, 1862, Congress declared by law that treasury-notes without interest, authorized by that Act, should be legal tender in payment of all debts, public and

private, within the United States. An annual remittance of \$30,000, less stipulated expenses, accrues to claimants under the convention made with Spain in 1834. These remittances, since the passage of that Act, have been paid in such notes. The claimants insist that the Government ought to require payment in coin. The subject may be deemed worthy of your attention.

No arrangement has yet been reached for the settlement of our claims for British depredations upon the commerce of the United States. I have felt it my duty to decline the proposition of arbitration made by her majesty's government, because it has hitherto been accompanied by reservations and limitations incompatible with the rights, interest, and honor of our country. It is not to be apprehended that Great Britain will persist in her refusal to satisfy these just and reasonable claims, which involve the sacred principle of non-intervention—a principle henceforth not more important to the United States than to all other commercial nations.

The West India Islands were settled and colonized by European States simultaneously with the settlement and colonization of the American Continent. Most of the colonies planted here became independent nations in the close of the last and the beginning of the present century. Our own country embraces communities which, at one period, were colonies of Great Britain, France, Spain, Holland, Sweden, and Russia. The people in the West Indies, with the exception of those of the Island of Hayti, have neither attained nor aspired to independence, nor have they become prepared for self-defense. Although possessing considerable commercial value, they have been held, by the several European States which colonized or at some time conquered them, chiefly for purposes of military and naval strategy in carrying out European policy and designs in regard to this continent. In our Revolutionary War ports and harbors in the West India Islands were used by our enemy to the great injury and embarrassment of the United States. We had the same experience in our second war with Great Britain. The same European policy for a long time excluded us even from trade with the West Indies, while we were at peace with all nations. In our recent Civil War the rebels, and their piratical

and blockade-breaking allies, found facilities in the same ports for the work, which they too successfully accomplished, of injuring and devastating the commerce which we are now engaged in rebuilding. We labored especially under this disadvantage that European steam-vessels, employed by our enemies, found friendly shelter, protection, and supplies in West Indian ports, while our naval operations were necessarily carried on from our own distant shores. There was then a universal feeling of the want of an advanced naval outpost between the Atlantic coast and Europe. The duty of obtaining such an outpost peacefully and lawfully, while neither doing nor menacing injury to other states, earnestly engaged the attention of the Executive Department before the close of the war, and it has not been lost sight of since that time. A not entirely dissimilar naval want revealed itself during the same period on the Pacific coast. The required foothold there was fortunately secured by our late treaty with the emperor of Russia, and it now seems imperative that the more obvious necessities of the Atlantic coast should not be less carefully provided for. A good and convenient port and harbor, capable of easy defense, will supply that want. With the possession of such a station by the United States, neither we nor any other American nation need longer apprehend injury or offense from any transatlantic enemy. I agree with our early statesmen that the West Indies naturally gravitate to, and may be expected ultimately to be absorbed by, the continental states, including our own. I agree with them also that it is wise to leave the question of such absorption to this process of natural political gravitation. The islands of St. Thomas and St. John's, which constitute a part of the group called the Virgin Islands, seemed to offer us advantages immediately desirable, while their acquisition could be secured in harmony with the principles to which I have alluded. A treaty has, therefore, been concluded with the king of Denmark for the cession of those islands, and will be submitted to the Senate for consideration.

It will hardly be necessary to call the attention of Congress to the subject of providing for the payment to Russia of the sum stipulated in the treaty for the cession of Alaska. Possession having been formally delivered to our commissioner, the Ter-

ritory remains for the present in care of a military force, awaiting such civil organization as shall be directed by Congress.

The annexation of many small German States to Prussia, and the reorganization of that country under a new and liberal constitution, have induced me to renew the effort to obtain a just and prompt settlement of the long-vexed question concerning the claims of foreign states for military service from their subjects naturalized in the United States.

In connection with this subject, the attention of Congress is respectfully called to a singular and embarrassing conflict of laws. The Executive Department of this Government has hitherto uniformly held, as it now holds, that naturalization, in conformity with the Constitution and laws of the United States, absolves the recipient from his native allegiance. The courts of Great Britain hold that allegiance to the British crown is indefeasible, and is not absolved by our laws of naturalization. British judges cite courts and law authorities of the United States in support of that theory against the position held by the Executive authority of the United States. This conflict perplexes the public mind concerning the rights of naturalized citizens, and impairs the national authority abroad. I called attention to this subject in my last annual message, and now again respectfully appeal to Congress to declare the national will unmistakably upon this important question.

The abuse of our laws by the clandestine prosecution of the African slave-trade from American ports, or by American citizens, has altogether ceased; and, under existing circumstances, no apprehensions of its renewal in this part of the world are entertained. Under these circumstances it becomes a question whether we shall not propose to her majesty's government a suspension or discontinuance of the stipulations for maintaining a naval force for the suppression of that trade.

ANDREW JOHNSON.

WASHINGTON, December 3, 1867.

On the 21st of July, 1868, both Houses of Congress passed the following preamble and resolution:—

“WHEREAS, The Legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, West

Virginia, Kansas, Missouri, Indiana, Ohio, Illinois, Minnesota, New York, Wisconsin, Pennsylvania, Rhode Island, Michigan, Nevada, New Hampshire, Massachusetts, Nebraska, Maine, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the Fourteenth Article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress; therefore,

“Resolved, by the Senate (the House of Representatives concurring), That said Fourteenth Article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State.”

Early in July, 1868, Florida and North Carolina reversed their former action as to the ratification of the Fourteenth Amendment, upon which the President issued his proclamation announcing that the Amendment had become part of the Constitution by the action of the necessary two-thirds of all the States.

The more important acts of this session of Congress were: Providing for the amendment of the Reconstruction Acts, as before given; providing for the admission of Arkansas to her place by representation in Congress, and otherwise as a State in the Union, she having presented a constitution in compliance with the Reconstruction Act of March 2, 1867, and subsequent supplemental acts (the Democrats and three or four Republicans voting against this bill, the President vetoing it, but both Houses passing it over the veto); providing for the restoration of North Carolina, South Carolina, Louisiana,

Alabama, Georgia, and Florida to their places as States under the Reconstruction Acts (this bill also being vetoed by the President and passed over his veto); providing for the better execution of the affairs of the Freedmen's Bureau; prescribing an oath of office for rebels whose legal disabilities had been removed; providing a Territorial government for Wyoming; providing for the regulation and final discontinuance of the Freedmen's Bureau (vetoed and repassed over the veto); providing for the complete reorganization of the postal service throughout the South; and providing for extending the laws of the Nation over the newly acquired Territory of Alaska.

The purchase of this Territory in the fall of 1867, from Russia, was an event of some importance in Mr. Johnson's Administration. Seven million two hundred thousand dollars in coin were paid for Alaska, consisting of nearly five hundred thousand square miles of land. But it is valuable to this country mainly for its furs and fisheries, and as furnishing harbors on the coast, and about the wisdom of the purchase there has by no means been a unanimity of sentiment.

The arrest of Jefferson Davis and his imprisonment at Fortress Monroe gave the Government and country no small annoyance. That Davis was guilty of treason there was not a shadow of doubt, and if he had been tried by a court-martial immediately after his capture and hanged, the Union sentiment of the country would generally have approved the act at the time. But as time passed this sentiment

became less demonstrative, and the disposition to be made of him became a serious question. So long as he remained in prison it was not necessary to decide the difficult matter; but his long confinement without trial began to be regarded as wrong, and a demand for some action on the part of the Government became imperative. At last Horace Greeley, Cornelius Vanderbilt, Gerrit Smith, and others went on the bond for Davis, and he was released in May, 1867.

His arrest and confinement were not fortunate for the Administration and country, and his trial in Virginia could only have served to embarrass the Government. There was a great outcry against the men who went on his bond, all the same, and especially Horace Greeley, who was one of the leading Republicans, and a leading newspaper editor of the country. Still, in time, this very act came to be regarded by many as the best and most unselfish of all Mr. Greeley's deeds. Davis appeared for trial at stated times, but his trial never came off, and the country was saved from another disgusting farce.

Horace Greeley and many others were in favor of universal amnesty for the past, and this sentiment gradually spread over the country. And although President Johnson was accused of having fallen, of his own will, into the hands of the guerrillas and Philistines, his amnesty policy, after a hard struggle, did eventually, of necessity and right, become that of the whole country.

The following proclamations may end the record

of Mr. Johnson's efforts in this direction to blot out the memories and effects of a foolish and wicked rebellion:—

“WHEREAS, In the month of July, A. D. 1861, the two Houses of Congress, with extraordinary unanimity, solemnly declared that the war then existing was not waged on the part of the Government in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of the States, but to maintain and defend the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired, and that as soon as these objects should be accomplished the war ought to cease; and

“WHEREAS, The President of the United States, on the eighth day of December, A. D. 1863, and on the twenty-sixth day of March, A. D. 1864, did with the objects of suppressing the then existing Rebellion, of inducing all persons to return to their loyalty, and of restoring the authority of the United States, issue proclamations offering amnesty and pardon to all persons who had directly or indirectly participated in the then existing Rebellion, except as in those proclamations was specified and reserved; and

“WHEREAS, The President of the United States did, on the twenty-ninth day of May, A. D. 1865, issue a further proclamation with the same objects before mentioned, and to the end that the authority of the Government of the United States might be restored, and that peace, order, and freedom might be established; and the President did, by the said last-mentioned proclamation, proclaim and declare that he thereby granted to all persons who had directly or indirectly participated in the then existing Rebellion, except as therein excepted, amnesty and pardon, with restoration of all rights of property, except as to slaves, and except in certain cases where legal proceedings had been instituted; but upon condition that such persons should take and subscribe an oath therein prescribed, which oath should be registered for permanent preservation; and

“WHEREAS, In and by the said last-mentioned proclamation

of the twenty-ninth day of May, A. D. 1865, fourteen extensive classes of persons, therein specially described, were altogether excepted and excluded from the benefits thereof; and

“WHEREAS, The President of the United States did, on the second day of April, A. D. 1866 issue a proclamation declaring that the insurrection was at an end, and was thenceforth to be so regarded; and

“WHEREAS, There now exists no organized armed resistance of misguided citizens or others to the authority of the United States in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, Florida, and Texas, and the laws can be sustained and enforced therein by the proper civil authority, State or Federal, and the people of said States are well and loyally disposed, and have conformed, or, if permitted to do so, will conform in their legislation to the condition of affairs growing out of the amendment to the Constitution of the United States prohibiting slavery within the limits and jurisdiction of the United States; and

“WHEREAS, There no longer exists any reasonable ground to apprehend, within the States which were involved in the late Rebellion, any renewal thereof, or any unlawful resistance by the people of said States to the Constitution and laws of the United States; and

“WHEREAS, Large standing armies, military occupation, martial law, military tribunals, and the suspension of the privilege of the writ of *habeas corpus* and the right of trial by jury, are in time of peace, dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our free institutions, and exhaustive of the national resources, and ought not therefore to be sanctioned or allowed, except in cases of actual necessity for repelling invasion, or suppressing insurrection or rebellion; and

“WHEREAS, A retaliatory or vindictive policy, attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements, now, as always, could only tend to hinder reconciliation among the people and national restoration, while it must seriously embarrass, obstruct, and repress popular energies and national industry and enterprise; and

“WHEREAS, For these reasons, it is now deemed essential to the public welfare, and to the more perfect restoration of Constitutional law and order, that the said last-mentioned proclamation, so as aforesaid issued on the 29th day of May, A. D. 1865, should be modified, and that the full and beneficent pardon conceded thereby should be opened and further extended to a large number of the persons who, by its aforesaid exceptions, have been hitherto excluded from Executive clemency :

“Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby proclaim and declare that the full pardon described in the said proclamation of the 29th day of May, A. D. 1865, shall henceforth be opened and extended to all persons who, directly or indirectly, participated in the late Rebellion, with the restoration of all privileges, immunities, and rights of property, except as to property with regard to slaves, and except in cases of legal proceedings under the laws of the United States; but upon this condition, nevertheless: that every such person who shall seek to avail himself of this proclamation shall take and subscribe the following oath, and shall cause the same to be registered for permanent preservation, in the same manner and with the same effect as with the oath prescribed in the said proclamation of the 29th day of May, 1865, namely :

“‘I, ———, do solemnly swear (or affirm), in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the late Rebellion with reference to the emancipation of slaves. So help me God.’

“The following persons, and no others, are excluded from the benefits of this proclamation, and of the said proclamation of the twenty-ninth day of May, 1865, namely :

“First. The chief or pretended chief executive officers, including the President, Vice-President, and all heads of departments of the pretended Confederate or rebel government, and all who were agents thereof in foreign States and countries, and all who held, or pretended to hold, in the service of the said

pretended Confederate government, a military rank or title above the grade of brigadier-general, or naval rank or title above that of captain, and all who were, or pretended to be, governors of States, while maintaining, aiding, abetting, or submitting to and acquiescing in the Rebellion.

“Second. All persons who in any way treated otherwise than as lawful prisoners of war persons who in any capacity were employed or engaged in the military or naval service of the United States.

“Third. All persons who, at the time they may seek to obtain the benefits of this proclamation, are actually in civil, military, or naval confinement or custody, or legally held to bail, either before or after conviction, and all persons who were engaged directly or indirectly in the assassination of the late President of the United States, or in any plot or conspiracy in any manner therewith connected.

“In testimony whereof I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

“Done at the City of Washington, the seventh day of September, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-second.

“By the President: ANDREW JOHNSON.

“WILLIAM H. SEWARD, Secretary of State.”

OF GENERAL AMNESTY, JULY 4, 1868.

“WHEREAS, In the month of July, A. D. 1861, in accepting the condition of civil war, which was brought about by insurrection and rebellion in several of the States which constitute the United States, the two Houses of Congress did solemnly declare that the war was not waged on the part of the Government in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for any purpose of overthrowing or interfering with the rights or established institutions of the States, but only to defend and maintain the supremacy of the Constitution of the United States, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that so soon as these objects should be

accomplished, the war on the part of the Government should cease; and

“WHEREAS, The President of the United States has heretofore, in the spirit of that declaration, and with the view of securing for it ultimate and complete effect, set forth several proclamations, offering amnesty and pardon to persons who had been or were concerned in the aforesaid rebellion, which proclamations, however, were attended with prudential reservations and exceptions, then deemed necessary and proper, and which proclamations were respectively issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, and on the 7th day of September, 1867; and

“WHEREAS, The said lamentable civil war has long since altogether ceased, with an acknowledged guarantee to all the States of the supremacy of the Federal Constitution and the Government thereunder; and there no longer exists any reasonable ground to apprehend a renewal of the said civil war, or any foreign interference, or any unlawful resistance by any portion of the people of any of the States to the Constitution and laws of the United States; and

“WHEREAS, It is desirable to reduce the standing army, and to bring to a speedy termination military occupation, martial law, military tribunals, abridgment of freedom of speech and of the press, and suspension of the privilege of *habeas corpus*, and the right of trial by jury, such encroachments upon our free institutions in times of peace being dangerous to public liberty, incompatible with the individual rights of the citizen, contrary to the genius and spirit of our republican form of government, and exhaustive of the national resources; and

“WHEREAS, It is believed that amnesty and pardon will tend to secure a complete and universal establishment and prevalence of municipal law and order, in conformity with the Constitution of the United States, and to remove all appearances or presumptions of a retaliatory or vindictive policy on the part of the Government, attended by unnecessary disqualifications, pains, penalties, confiscations, and disfranchisements; and, on the contrary, to promote and procure complete fraternal

such prudential reservations and exceptions as, at the dates of said several proclamations were deemed necessary and proper, may now be wisely and justly relinquished, and that an universal amnesty and pardon for participation in said Rebellion, extended to all who have borne any part therein, will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for, and attachment to, the national Government, designed by its founders for the general good:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States, do hereby proclaim and declare, unconditionally and without reservation, to all and to every person who directly or indirectly participated in the late insurrection or Rebellion a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late Civil War, with restoration of all rights, privileges, and immunities, under the Constitution and the laws which have been made in pursuance thereof.

“In testimony whereof, I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

“Done at the City of Washington, the twenty-fifth day of December, in the year of our Lord one thousand eight hupdred and sixty-eight, and of the Independence of the United States of America the ninety-third.

"By the President: ANDREW JOHNSON.

"F. W. SEWARD, Acting Secretary of State."

The Constitution, as originally adopted by the thirteen States, with the order of time in their adopting it, and as amended at the outset, and under the Administrations of Mr. Johnson and General Grant, is here given in the most suitable place yet left in this work for the display of this grand fundamental instrument of the Government.

CONSTITUTION
OF THE
UNITED STATES OF AMERICA.

WE, the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America:—

ARTICLE I.

SECTION 1. All the legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations

one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States: If he approve, he shall sign it; but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, to pay

the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and

to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

* No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States. And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever from any king, prince, or foreign state.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money; emit bills of credit; make anything but gold and silver coin a

tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

(The electors shall meet in their respective States, and vote by ballot for two persons—of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than

one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*)

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

* This clause has been repealed and annulled by the Twelfth Amendment.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. No person shall be convicted of

treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of Government, and shall protect

each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature can not be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President and Deputy from Virginia.

NEW HAMPSHIRE.

JOHN LANGDON, NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM, RUFUS KING.

CONNECTICUT.

WM. SAM'L. JOHNSON, ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WIL. LIVINGSTON, DAVID BREARLEY,
WM. PATERSON, JONA. DAYTON.

PENNSYLVANIA.

B. FRANKLIN, THOMAS MIFFLIN,
ROBT. MORRIS, GEO. CLYMER,
THO. FITZSIMMONS, JARED INGERSOLL,
JAMES WILSON, GOUV. MORRIS.

DELAWARE.

GEO. READ, GUNNING BEDFORD, JUN'R,
JOHN DICKINSON, RICHARD BASSETT.
JACO. BROOM,

MARYLAND.

JAMES MCHENRY, DAN. JENIFER, OF ST. THOS.
DAN'L. CARROLL,

VIRGINIA.

JOHN BLAIR, JAMES MADISON.

NORTH CAROLINA.

WM. BLOUNT, RICH'D DOBBS SPAIGHT.
HU. WILLIAMSON,

SOUTH CAROLINA.

J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY, PIERCE BUTLER.

GEORGIA.

WILLIAM FEW, ABR. BALDWIN.
Attest: WILLIAM JACKSON, Secretary.

ARTICLES

IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballot the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President the votes shall be taken by States, the representation from each State having one; a quorum for this shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other Constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on

the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person Constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizen of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold

any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The States ratified the Constitution in the following order:—

Delaware,	. . .	December 7, 1787.
Pennsylvania,	. . .	December 12, 1787.
New Jersey,	. . .	December 18, 1787.
Georgia,	. . .	January 2, 1788.
Connecticut,	. . .	January 9, 1788.
Massachusetts,	. . .	February 6, 1788.
Maryland,	. . .	April 28, 1788.

South Carolina, . . .	May 28, 1788.
New Hampshire, . . .	June 21, 1788.
Virginia,	June 26, 1788.
New York,	July 26, 1788.
North Carolina, . . - .	November 21, 1789.
Rhode Island,	May 29, 1790.

A few of the signers of this great charter of the new Government were also signers of the Declaration of Independence, a paper standing second in importance, perhaps, in the veneration of Americans. For some reason the names of the signers of the Declaration were pushed out of their place in the third volume. That they may not be lost from the first edition of this work, they are deliberately inserted here with the sentence introducing them in Mr. Jefferson's immortal document, as follows:—

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT,	MATTHEW THORNTON.
WILLIAM WHIPPLE,	

MASSACHUSETTS BAY.

SAMUEL ADAMS,	ROBERT TREAT PAYNE,
JOHN ADAMS,	ELDRIDGE GERRY.

CONNECTICUT.

ROGER SHERMAN,	WILLIAM WILLIAMS,
SAMUEL HUNTINGTON,	OLIVER WOLCOTT.

RHODE ISLAND.

STEPHEN HOPKINS,	WILLIAM ELLERY.
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NEW YORK.

WILLIAM FLOYD,	FRANCIS LEWIS,
PHILIP LIVINGSTON,	LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON,	JOHN HART,
JOHN WITHERSPOON,	ABRAHAM CLARK.
FRANCIS HOPKINSON,	

PENNSYLVANIA.

ROBERT MORRIS,	JAMES SMITH,
BENJAMIN RUSH,	GEORGE TAYLOR,
BENJAMIN FRANKLIN,	JAMES WILSON,
JOHN MORTON,	GEORGE ROSS.
GEORGE CLYMER,	

DELAWARE.

CÆSAR RODNEY,	THOMAS MCKEAN.
GEORGE READ,	

MARYLAND.

SAMUEL CHASE,	THOMAS STONE,
WILLIAM PACA,	CHARLES CARROLL, of Carroll'n.

VIRGINIA.

GEORGE WYTHE,	THOMAS NELSON, Jun.
RICHARD HENRY LEE,	FRANCIS LIGHTFOOT LEE,
THOMAS JEFFERSON,	CARTER BRAXTON.
BENJAMIN HARRISON,	

NORTH CAROLINA.

WILLIAM HOOPER,	JOHN PENN.
JOSEPH HEWES,	

SOUTH CAROLINA.

EDWARD RUTLEDGE,	THOMAS LYNCH, Jun.
THOMAS HEYWARD, Jun.	ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT,	GEORGE WALTON.
LYMAN HALL,	

CHAPTER XVII.

VAIN EFFORTS TO HARMONIZE THE PRESIDENT AND CONGRESS—TWO STUBBORN BODIES—THE IMPEACHMENT TRIAL—A HIGH-TONED FARCE AND SCANDAL—ALTA VELA.

NO event in the history of Congress or the country during this memorable period was so great a source of public excitement and interest, and was yet of so little benefit or honor to the Nation, as the impeachment trial of the President. It was the result of the unfortunate division between Congress and the Executive, and the evil and stubborn spirit which took no small part in the affairs of the times. Mr. Johnson viewed his early reconstruction measures as right, and designed them to be permanent. He did not mean that they should be set aside by Congress, or that any other should take their place. In the long interval between his inauguration and the meeting of Congress he pushed his plan forward with great rapidity, and hoped it was too far developed, and too well sanctioned by the initial steps of Mr. Lincoln, to meet serious opposition. He had been too hasty. The spirit of the Rebellion was not dead, and the progress of events had satisfied the majority in Congress that his policy was not safe. If the majority in Congress had determined to oppose the

course the President had taken, he had also decided to give his sanction to no other which might be substituted for it. If Congress deemed it best not to agree with him, he concluded that he would not agree with it, and shut his ears against all appeals for harmony. In the spirit of compromise he never believed nor took any part, and nothing in his conduct at this time belied his former record. It is simply a fact that Congress did not desire to pursue the direction President Johnson had taken, and he neither had desire nor disposition to agree with it. If he was inclined to be on good terms with Congress, he never exhibited such inclination, in the least, by word or deed.

No patriot, in his right mind, could have wished a quarrel between the President and Congress, especially at a period so critical, and much anxiety was felt on this point. Counsel was diverse, and safe leaders were not numerous. The most unreasonable of all things was it to expect that the loyal people who had upheld the Government through the long, bloody, and costly struggle should submit affairs to the guardianship of men whose erratic notions and feelings had led to the struggle, or to that of those who had sympathized with them. And yet this was what they were required to do. The rebel leaders with few exceptions and their Northern sympathizers gathered around Mr. Johnson, and finally became his only warm supporters. And among these men and their political descendants and executors are to be found, to-day, mainly, his very decided apologizers and defenders.

Among men who had always been loyal there was a strong desire for the President and Congress to work in perfect harmony, and there was undoubtedly a disposition on the part of Republicans to think that the President should stick to the Republican party. His election as Vice-President under the auspices of that party, fixed his obligations, it was held, and his immediate and thorough disagreement with Congress was certainly contrary to the general expectations of the country.

Horace Greeley wrote the following account of his own efforts to prevent any serious difference between the President and Congress, showing how he reached a conclusion as to Mr. Johnson's disposition, a conclusion which became quite general at the time, and has not undergone any very material modification up to this date:—

“Soon after our last State election, and before the assembling of the present Congress, I went, not uninvited, to Washington, expressly to guard against such a difference. Being admitted to an interview with the President, I urged him to call to Washington three of the most eminent and trusted expositors of Northern anti-slavery sentiment, and three equally eminent and representative Southern ex-rebels, and ask them to take up their residence at the White House for a week, a fortnight, so long as they might find necessary, while they, by free and friendly conference and discussion, should earnestly endeavor to find a common ground whereon the North and the South should be not merely reconciled, but made evermore fraternal and harmonious. I suggested that the President should occasionally, as he could find time, drop in on these conferences, and offer such suggestions as he should deem fit,

rather as a moderator or common friend than as a party to the discussion.

"A suggestion of names being invited, I proposed those of Governor Andrews, of Massachusetts, Gerrit Smith, of New York, and Judge R. P. Spaulding, of Ohio, as three who seemed to me fair representatives of the anti-slavery sentiment of the North, while neither specially obnoxious to, nor disposed to deal harshly with the South; and I added that I hoped they would be met by men like General Robert E. Lee, Alexander H. Stephens, etc., who would be recognized and heeded by the South as men in whose hands her honor and true interests would be safe. But I added that I had no special desire that these or any particular men should be selected, wishing only that those chosen from either section should be such as to command their people's confidence and support. And I pledged myself to support to the extent of my power, any adjustment that should thus be matured and agreed upon.

"Some two months later after the meeting of Congress (in December, 1865), and when the political sky had become darker, I went again to Washington, on the assurance of a mutual friend that the President desired to see me. The Joint Committee on Reconstruction had then been appointed. At an interview promptly accorded, I urged the President to invite this committee to the White House, and discuss with them, from evening to evening, as friend with friends, all the phases of the grave problem of reconstruction, with a fixed resolve to find a basis of agreement if possible. I urged such considerations as occurred to me in favor of the feasibility of such agreement, if it were earnestly sought, as I felt sure it would be on the side of Congress. The vast patronage in the President's hands, the reluctance of the majority in Congress to see their friends, supporters, and nominees, expelled by wholesale from office, and their places supplied by bitter adversaries; the natural anxiety of every party in power to maintain

cordial relations with the head of the Government chosen by its votes, these, and a thousand kindred considerations, rendered morally certain an agreement between Congress and the President, without a sacrifice of principle on either hand, if the latter should sincerely seek it.

“ I speak only of what I said and proposed, because I have no permission and no right to speak further. That my suggestions were not followed, nor anything akin to them, the public sadly knows. And the conclusion to which I have been most reluctantly forced is, that the President did not want harmony with Congress, that he had already made up his mind to break with the party which had elected him, and seek a further lease of power through the favor and support of its implacable enemies.”

Mr. Johnson had not been elected Vice-President as a Republican, and that was well known. This did not, however, relieve him of certain obligations to the Republican party. He had freely espoused all the war measures of that party, except, perhaps, the Emancipation Proclamation of President Lincoln, and in his spirit and methods had even preceded the extreme inclinations of that party on all matters and questions of interest touching the Rebellion. At the time of assuming the office of President, his career had been in harmony with the principles and sentiments of the most radical class of Republicans, and it was only natural and reasonable for them to expect him to continue with them. His obligations to this party, at least implied that there should be a disposition and effort with him to harmonize in the unexpected relation he now bore to it. His election was based upon his past history, and had his future

course been as clearly seen, no Republican would have cast a vote for him; even his nomination would not have been thought of. Under all the circumstances no amount of sophistry can do away with Mr. Johnson's moral obligations to the Republican party. But the degree of this obligation may well be left as a disputable question. A strong and earnest effort at harmony on his part the case evidently required, as well as persistent and dignified bearing under all provocations towards Congress. The tongue of a gossiping, slanderous old crone was shameful for the President of the United States. And yet it must not be supposed that Mr. Johnson wholly lost sight of his popular relation to the Republican party, or gave himself bodily into the hands of the Philistines. Three members of Mr. Lincoln's Cabinet he kept with him to the end of his term, and his Cabinet remained throughout very decidedly Republican. Nor did he utterly avoid even the radicals among the Republicans in his outside appointments, although it was not to be expected that he would extend his patronage to those who were assailing him openly. If Mr. Johnson sinned, he was sinned against. If his tongue wagged incessantly and scandalously, there was no abuse which his opponents could heap upon him which was deemed out of place or too extravagant. The President erroneously believed that Congress should submit to his policy, and at once began to prepare the way for the irreconcilable breach between himself and that body. He neither adopted the foolish thing Mr. Greeley first recommended nor the

wise one he suggested on his second visit, nor any other to bring about harmony with Congress. He could not hold his tongue as President more than as Military Governor of Tennessee, or as Alderman of Greenville. Matters went from bad to worse, and to Mr. Johnson's intemperate tongue and unnecessary stubbornness must be attributed most of his own trouble and much of that which befell the country during his Administration, or the Administration of Congress through him.

On the 17th of December, 1866, the following resolution was reported to the House of Representatives:—

“Resolved, That a select committee to consist of seven members of this House be appointed by the Speaker, whose duty it shall be to inquire whether any acts have been done by any officer of the Government of the United States which, in contemplation of the Constitution, are high crimes or misdemeanors, and whether said acts were designed or calculated to overthrow, subvert, or corrupt the Government of the United States, or any Department thereof, and that said committee have power to send for persons and papers and to administer the customary oath to witnesses, and that they have leave to report by bill or otherwise.”

This was not agreed to, but the purpose it unmistakably indicated was not lost sight of. On the 7th of January, 1867, the following resolution was offered in the House and referred to the Committee on Reconstruction:—

“Resolved, That for the purpose of securing the fruits of the victories gained on the part of the Republic during

the late war, waged by rebels and traitors against the life of the Nation, and of giving effect to the will of the people as expressed at the polls during the recent elections by a majority numbering in the aggregate more than four hundred thousand votes, it is the imperative duty of the Thirty-ninth Congress to take without delay such action as will accomplish the following objects:—

“1. The impeachment of the officer now exercising the functions pertaining to the office of President of the United States of America, and his removal from said office upon his conviction, in due form of law, of the high crimes and misdemeanors of which he is manifestly and notoriously guilty, and which render it unsafe longer to permit him to exercise the powers he has unlawfully assumed.

“2. To provide for the faithful and efficient administration of the Executive Department of the Government within the limits prescribed by law.

“3. To provide effective means for immediately reorganizing civil governments in those States lately in rebellion, excepting Tennessee, and for restoring them to their practical relations with the Government upon a basis of loyalty and justice; and to this end,

“4. To secure, by the direct intervention of Federal authority, the right of franchise alike without regard to color, to all classes of loyal citizens residing within those sections of the Republic which were lately in rebellion.”

On the same day James M. Ashley, of Ohio, submitted the following to the House, which was agreed to by a vote of one hundred and eight to thirty-nine:—

“I do impeach Andrew Johnson, Vice-President and acting President of the United States, of high crimes and misdemeanors.

“I charge him with a usurpation of power and violation of law:

“In that he has corruptly used the appointing power;

“In that he has corruptly used the pardoning power ;

“In that he has corruptly used the veto power ;

“In that he has corruptly disposed of public property of the United States ;

“In that he has corruptly interfered in elections, and committed acts which, in contemplation of the Constitution, are high crimes and misdemeanors : therefore,

“*Be it resolved*, That the Committee on the Judiciary be, and they are hereby, authorized to inquire into the official conduct of Andrew Johnson, Vice-President of the United States, discharging the powers and duties of the office of President of the United States, and to report to this House whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow, subvert, or corrupt the Government of the United States, or any Department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes or misdemeanors, requiring the interposition of the Constitutional power of this House; and that said committee have power to send for persons and papers, and to administer the customary oath to witnesses.”

On the 28th of February, the Committee on the Judiciary charged with the investigation of this matter made a report to the effect that enough had been done to render it the duty of the House to continue the investigation, but the time was too short for the case to be closed during that session of Congress. A minority report was also made by one member of the committee to the effect that the case should be at once and forever dismissed, that not a particle of evidence on any charge had been discov-

ered, from all the witnesses examined, against the President.

On the 7th of March, the "Fortieth Congress" having convened for its first session, the matter was again brought up, and on the 29th, the Committee on the Judiciary ordered to report in full.

A chasm of nearly one year now appeared in the proceedings for impeachment. And in the meantime the President had taken a step which greatly exasperated the majority in Congress, and created no little excitement throughout the country.

Soon after Mr. Johnson became President, James Harlan, of Iowa, took Mr. Usher's place as Secretary of the Interior, but otherwise, on the assembling of Congress in December, 1865, the Cabinet was as the death of Mr. Lincoln left it. But some changes now took place, and it never was a very cordial or harmonious body of counselors, whatever may be said of their ability.

Failing to approve the course of Mr. Johnson, on the 11th of July, 1866, Governor Dennison resigned his place at the head of the Post-office Department, and was succeeded by Alexander W. Randall, of Wisconsin, as Postmaster-General. On the 16th of the same month James Speed resigned, and was succeeded by Henry Stanbery, of Kentucky, or more properly of Cincinnati, he merely having a suburban residence on the Kentucky hills opposite Cincinnati. On the last of September, in the same year, James Harlan withdrew from the Cabinet, and was succeeded by Orville H. Browning, of Illinois, as Sec-

retary of the Interior. The following correspondence explains itself:—

“EXECUTIVE MANSION, WASHINGTON, }
August 5, 1867. }

“SIR,—Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted.

Very respectfully,

“ANDREW JOHNSON.

“To Hon. EDWIN M. STANTON, Secretary of War.”

“WAR DEPARTMENT, WASHINGTON, }
August 5, 1867. }

“SIR,—Your note of this day has been received, stating that public considerations of a high character constrain you to say that my resignation as Secretary of War will be accepted.

“In reply, I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the office of Secretary of War before the next meeting of Congress. Very respectfully, yours,

“EDWIN M. STANTON.

“To the PRESIDENT.”

“EXECUTIVE MANSION, WASHINGTON, }
August 12, 1867. }

“SIR,—By virtue of the power and authority vested in me as President by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same. You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge.

“Very respectfully, yours, ANDREW JOHNSON.

“To Hon. EDWIN M. STANTON, Secretary of War.”

“EXECUTIVE MANSION, WASHINGTON, }
August 12, 1867. }

“SIR,—The Hon. Edwin M. Stanton having been this day suspended as Secretary of War, you are hereby authorized and

empowered to act as Secretary of War *ad interim*, and will at once enter upon the discharge of the duties of that office.

"The Secretary of War has been instructed to transfer to you all records, books, papers, and other public property now in his custody and charge. Very respectfully, yours,

"ANDREW JOHNSON.

"To General ULYSSES S. GRANT, Washington, D. C."

"HEAD-QUARTERS ARMIES OF THE UNITED STATES, }
WASHINGTON, D. C., August 12, 1867. }

"SIR,—Inclosed herewith I have the honor to transmit to you a copy of a letter just received from the President of the United States, notifying me of my assignment as Acting Secretary of War, and directing me to assume those duties at once.

"In notifying you of my acceptance, I can not let the opportunity pass without expressing to you my appreciation of the zeal, patriotism, firmness, and ability with which you have ever discharged the duties of Secretary of War.

"With great respect, your obedient servant,

"U. S. GRANT, General.

"To Hon. EDWIN M. STANTON, Secretary of War."

"WAR DEPARTMENT, WASHINGTON CITY, }
August 12, 1867. }

"SIR,—Your note of this date has been received, informing me that, by virtue of the power and authority vested in you as President by the Constitution and laws of the United States, I am suspended from office as Secretary of War, and will cease to exercise any and all functions pertaining to the same, and also directing me at once to transfer to General U. S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in my custody and charge.

"Under a sense of public duty I am compelled to deny your right, under the Constitution and laws of the United States, without the advice and consent of the Senate, and without legal cause, to suspend me from office as Secretary of War, or the exercise of any or all functions pertaining to the same, or with-

out such advice and consent to compel me to transfer to any person the records, books, papers, and public property in my custody as secretary. But inasmuch as the General commanding the armies of the United States has been appointed *ad interim*, and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force. Very respectfully, yours,

“EDWIN M. STANTON, Secretary of War.

“To the PRESIDENT.”

“WAR DEPARTMENT, WASHINGTON CITY, }
August 12, 1867. }

“GÉNÉRAL,—Your note of this date, accompanied by a copy of a letter addressed to you, August 12th, by the President, appointing you Secretary of War *ad interim*, and informing me of your acceptance of the appointment, has been received.

“Under a sense of public duty I am compelled to deny the President’s right, under the Constitution and laws of the United States, to suspend me from office as Secretary of War, or to authorize any other person to enter upon the discharge of the duties of that office, or to require me to transfer to you, or any other person, the records, books, papers, and other property in my official custody and charge as Secretary of War.

“But inasmuch as the President has assumed to suspend me from office as Secretary of War, and you have notified me of your acceptance of the appointment of Secretary of War *ad interim*, I have no alternative but to submit, under protest, to the superior force of the President.

“You will please accept my acknowledgment of the kind terms in which you have notified me of your acceptance of the President’s appointment, and my cordial reciprocation of the sentiments expressed.

“I am, with sincere regard, truly yours,

“EDWIN M. STANTON, Secretary of War.

“General ULYSSES S. GRANT.”

On the 13th of January, 1868, the Senate took action on this matter, disapproving the course of the

President, and reinstating Mr. Stanton in the War Department. On the following day General Grant notified the President that his functions as Secretary of War *ad interim* ceased on the moment of this action of the Senate. On the 21st of February the President, determined not to abandon his purpose, again dismissed Mr. Stanton, and ordered him to turn over the Department to Lorenzo Thomas, the Adjutant-General of the army. The Senate failed to concur in this step also, and Mr. Stanton kept the disagreeable position until in May, as indicated in the following characteristic communication to the President:—

“WAR DEPARTMENT, WASHINGTON CITY, }
May 26, 1868. }

“SIR,—The resolution of the Senate of the United States, of the 21st of February last, declaring that the President ‘has no power to remove the Secretary of War and designate any other officer to perform the duties of that office *ad interim*,’ having this day failed to be supported by two-thirds of the Senators present and voting on the articles of impeachment preferred against you by the House of Representatives, I have relinquished charge of the War Department, and have left the same, and the books, archives, papers, and property heretofore in my custody as Secretary of War, in care of Brevet Major-General Townsend, the senior Assistant Adjutant-General, subject to your direction.

“EDWIN M. STANTON, Secretary of War.

“To the PRESIDENT of the United States.”

Three days after this occurrence the Senate passed this preamble and resolution, and General John M. Schofield, of New York, became Secretary

of War, so remaining to the end of President Johnson's term of office:—

“WHEREAS, On the 23d of April, 1868, the President nominated John M. Schofield to be Secretary of War, in place of Edwin M. Stanton removed; and

“WHEREAS, In the opinion of the Senate, the said Stanton has not been legally removed from his office; but inasmuch as the said Stanton has relinquished his place as Secretary of War, for causes stated in his note to the President; therefore,

“*Resolved*, That the Senate advise and consent to the appointment of John M. Schofield to be Secretary of War.”

Mr. Stanbery, who withdrew from his place in the Cabinet to serve as one of the President's attorneys in the impeachment trial, was renominated, but the Senate declined to confirm the appointment. William M. Evarts, of New York, who subsequently occupied the same position under President Hayes, was then appointed and confirmed as Attorney-General, the Secretary of the Interior having performed the functions of this office after the resignation of Mr. Stanbery. No other changes occurred in Mr. Johnson's Cabinet, and the necessity which gave rise to the appointment of Mr. Evarts rested mainly or wholly on a matter of spleen in the Senate.

On the 25th of November, 1867, the majority of the Committee on the Judiciary made a report in which it was resolved that Andrew Johnson, President of the United States, be impeached for high crimes and misdemeanors. Two minority reports were also made by three members of the committee, opposing

any such step on the part of the House. The resolution for impeachment was voted down. Still the friends of the movement kept at work until the President took the step on the 21st of February, 1868, in the attempt to put General Thomas into the War Office, when a resolution in favor of impeachment was at once referred to the Committee on Reconstruction. On the following day, February 22d, the committee made a report in favor of impeachment, presenting this resolution for the action of the House:—

“Resolved, That Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors in office.”

The report was signed by Thaddeus Stevens, George S. Boutwell, John A. Bingham, C. T. Hulburd, John F. Farnsworth, F. C. Beaman, and H. E. Paine. On the 24th the resolution was adopted by one hundred and twenty-eight yeas and forty-seven nays, the yeas all being Republicans at that time, and the nays all Democrats, fourteen Republicans and one Democrat abstaining from voting. And on the next day Thaddeus Stevens and John A. Bingham delivered this message to the Senate:—

“MR. PRESIDENT,—By order of the House of Representatives, we appear at the bar of the Senate, and in the name of the House of Representatives, and of all the people of the United States, we do impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office; and we do further inform the Senate that the House of Representatives will in due time

exhibit particular articles of impeachment against him, and make good the same; and in their name we do demand that the Senate take order for the appearance of the said Andrew Johnson to answer to said impeachment."

The following articles of impeachment were presented and adopted, one by one, by the House:—

"FORTIETH CONGRESS, SECOND SESSION, }
"IN THE HOUSE OF REPRESENTATIVES U. S., March 2, 1868. }

"ARTICLES

"EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN THE NAME OF THEMSELVES AND ALL THE PEOPLE OF THE UNITED STATES, AGAINST ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES, IN MAINTENANCE AND SUPPORT OF THEIR IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANORS IN OFFICE.

"ARTICLE I. That the said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, unmindful of the high duties of his office, of his oath of office, and of the requirements of the Constitution that he should take care that the laws be faithfully executed, did unlawfully, and in violation of the Constitution and laws of the United States, issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary for the Department of War, said Edwin M. Stanton having been theretofore duly appointed and commissioned, by and with the advice and consent of the Senate of the United States, as such Secretary, and said Andrew Johnson, President of the United States, on the 12th day of August, in the year of our Lord 1867, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate, that is to say, on the 12th day of December, in the year last aforesaid, having reported to said Senate such suspension with the evidence and reasons for his action in the case and the name of the person designated to perform the duties of such office temporarily until the next meeting of the Senate, and said Senate thereafterwards on the 13th day of January, in the year of our Lord 1868, having duly considered the evidence and reasons reported by said

Andrew Johnson for said suspension, and having refused to concur in said suspension, whereby and by force of the provisions of an Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there due notice, and said Edwin M. Stanton, by reason of the premises, on said 21st day of February, being lawfully entitled to hold said office of Secretary for the Department of War, which said order for the removal of said Edwin M. Stanton is in substance as follows, that is to say:

“EXECUTIVE MANSION, WASHINGTON, D. C., }
 “February 21, 1868. }

“SIR,—By virtue of the power and authority vested in me as President by the Constitution and laws of the United States you are hereby removed from office as Secretary for the Department of War, and your functions as such will terminate upon receipt of this communication.

“You will transfer to Brevet Major-General Lorenzo Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers, and other public property now in your custody and charge. Respectfully, yours,

ANDREW JOHNSON.

“To the Hon. EDWIN M. STANTON, Washington, D. C.’

Which order was unlawfully issued with intent then and there to violate the Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, and with the further intent, contrary to the provisions of said Act, in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said Edwin M. Stanton from the office of Secretary for the Department of War, the said Edwin M. Stanton being then and there Secretary for the Department of War, and being then and there in the due and lawful execution and discharge of the duties of said office, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

"ARTICLE II. That on the said 21st day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, eighteen hundred and sixty-seven, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States, and the Act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

"EXECUTIVE MANSION, WASHINGTON, D. C., }
 "February 21, 1868. }

"SIR,—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

"Mr. Stanton has been instructed to transfer to you all the records, books, papers and other public property now in his custody and charge. Respectfully yours,

ANDREW JOHNSON.

"To Brevet Major-General LORENZO THOMAS, Adjutant-General U. S. Army, Washington, D. C.'

Then and there being no vacancy, in said office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

"ARTICLE III. That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office, in this, that, without authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate,

and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows, that is to say:

“ ‘EXECUTIVE MANSION, WASHINGTON, D. C., }
 “ ‘February 21, 1868. ”

“ ‘SIR,—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

“ ‘Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge. Respectfully yours,

ANDREW JOHNSON.

“ ‘To Brevet Major-General LORENZO THOMAS, Adjutant-General U. S. Army, Washington, D. C.’

“ARTICLE IV. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and laws of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, unlawfully to hinder and prevent Edwin M. Stanton, then and there the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States, and of the provisions of an Act entitled ‘An Act to define and punish certain conspiracies,’ approved July 31, 1861, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high crime in office.

“ARTICLE V. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and

of his oath of office, on the 21st day of February, in the year of our Lord 1868, and on divers other days and times in said year, before the 2d day of March in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, to prevent and hinder the execution of an Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, and in pursuance of said conspiracy did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

"ARTICLE VI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, by force to seize, take, and possess the property of the United States in the Department of War, and then and there in the custody and charge of Edwin M. Stanton, Secretary for said Department, contrary to the provisions of an Act entitled 'An Act to define and punish certain conspiracies,' approved July 31, 1861, and with intent to violate and disregard an Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

"ARTICLE VII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, with intent unlawfully to seize, take, and possess the property of the United States in the Department of War, in the custody and charge of Edwin M. Stanton, Secretary for said Department, with intent to violate and disregard the Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, whereby

said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

"ARTICLE VIII. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, with intent unlawfully to control the disbursements of the moneys appropriated for the military service and for the Department of War, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully and contrary to the provisions of an Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, and in violation of the Constitution of the United States, and without the advice and consent of the Senate of the United States, and while the Senate was then and there in session, there being no vacancy in the office of Secretary for the Department of War, and with intent to violate and disregard the Act aforesaid, then and there issue and deliver to one Lorenzo Thomas a letter of authority in writing, in substance as follows, that is to say:

" 'EXECUTIVE MANSION, WASHINGTON, D. C., }
February 21, 1868. }

" 'SIR,—The Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

" 'Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge. Respectfully yours,

ANDREW JOHNSON.

" 'To Brevet Major-General LORENZO THOMAS, Adjutant-General
U. S. Army, Washington, D. C.'

Whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

"ARTICLE IX. That said Andrew Johnson, President of the United States, on the 22d day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, in disregard of the Constitution and the laws of the United States

duly enacted, as commander-in-chief of the army of the United States, did bring before himself then and there William H. Emory, a major-general by brevet in the army of the United States, actually in command of the Department of Washington and the military forces thereof, and did then and there, as such commander-in-chief, declare to and instruct said Emory that part of a law of the United States, passed March 2, 1867, entitled 'An Act making appropriations for the support of the army for the year ending June 30, 1868, and for other purposes,' especially the second section thereof, which provided, among other things, that 'all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the army, and in case of his inability through the next in rank,' was unconstitutional, and in contravention of the commission of said Emory, and which said provision of law had been theretofore duly and legally promulgated by General Order for the government and direction of the army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory in his official capacity as commander of the Department of Washington to violate the provisions of said Act, and to take and receive, act upon, and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the army of the United States, according to the provisions of said Act, and with the further intent thereby to enable him, the said Andrew Johnson, to prevent the execution of the Act entitled 'An Act regulating the tenure of certain civil offices,' passed March 2, 1867, and to unlawfully prevent Edwin M. Stanton, then being Secretary for the Department of War, from holding said office and discharging the duties thereof, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

"And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or other accusation, or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same,

and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

“SCHUYLER COLFAX,

“Speaker of the House of Representatives.

“Attest: EDWARD MCPHERSON, Clerk of the House of Representatives.”

“IN THE HOUSE OF REPRESENTATIVES, U. S., }
March 3, 1868. }

“The following additional articles of impeachment were agreed to, viz. :

“ARTICLE X. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the Executive and legislative branches of the Government of the United States, designing and intending to set aside the rightful authority and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt, and reproach the Congress of the United States, and the several branches thereof, to impair and destroy the regard and respect of all the good people of the United States for the Congress and legislative power thereof (which all officers of the Government ought inviolably to preserve and maintain), and to excite the odium and resentment of all the good people of the United States against Congress and the laws by it duly and Constitutionally enacted; and in pursuance of his said design and intent, openly and publicly, and before divers assemblages of the citizens of the United States, convened in divers parts thereof to meet and receive said Andrew Johnson as the Chief Magistrate of the United States, did, on the 18th day of August, in the year of our Lord 1866, and on divers other days and times, as well before as afterward, make and deliver with a loud voice certain intemperate, inflammatory, and scandalous harangues, and did therein utter loud threats and bitter menaces as well against

Congress as the laws of the United States duly enacted thereby, amid the cries, jeers, and laughter of the multitudes then assembled and in hearing, which are set forth in the several specifications hereinafter written, in substance and effect, that is to say :

“SPECIFICATION FIRST.—In this, that at Washington, in the District of Columbia, in the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, said Andrew Johnson, President of the United States, heretofore, to wit, on the 18th day of August, in the year of our Lord 1866, did, in a loud voice, declare in substance and effect, among other things, that is to say :

“‘So far as the Executive Department of the Government is concerned, the effort has been made to restore the Union, to heal the breach, to pour oil into the wounds which were consequent upon the struggle, and (to speak in common phrase) to prepare, as the learned and wise physician would, a plaster healing in character and coextensive with the wound. We thought, and we think, that we had partially succeeded; but as the work progresses, as reconstruction seemed to be taking place, and the country was becoming reunited, we found a disturbing and marring element opposing us. In alluding to that element, I shall go no further than your convention and the distinguished gentleman who has delivered to me the report of its proceedings. I shall make no reference to it that I do not believe the time and the occasion justify.

“‘We have witnessed in one Department of the Government every endeavor to prevent the restoration of peace, harmony, and Union. We have seen hanging upon the verge of the Government, as it were, a body called, or which assumes to be, the Congress of the United States, while in fact it is a Congress of only a part of the States. We have seen this Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion, and make a disruption of the States inevitable. . . . We have seen Congress gradually encroach, step by step, upon Constitutional rights, and violate, day after day and month after month, fundamental principles of the Government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legisla-

tion. We have seen a Congress in a minority assume to exercise power which, allowed to be consummated, would result in despotism or monarchy itself.'

"SPECIFICATION SECOND.—In this, that at Cleveland, in the State of Ohio, heretofore, to wit, on the 3d day of September, in the year of our Lord 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare in substance and effect, among other things, that is to say:

"'I will tell you what I did do. I called upon your Congress, that is trying to break up the Government. . . .

"'In conclusion, beside that, Congress had taken much pains to poison their constituents against him. But what had Congress done? Have they done anything to restore the union of these States? No. On the contrary, they had done everything to prevent it; and because he stood now where he did when the Rebellion commenced, he had been denounced as a traitor. Who had run greater risks or made greater sacrifices than himself? But Congress, factious and domineering, had undertaken to poison the minds of the American people.'

"SPECIFICATION THIRD.—In this, that at St. Louis, in the State of Missouri, heretofore, to wit, on the 8th day of September, in the year of our Lord 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice declare in substance and effect, among other things, that is to say:

"'Go on. Perhaps if you had a word or two on the subject of New Orleans you might understand more about it than you do. And if you will go back; if you will go back and ascertain the cause of the riot at New Orleans, perhaps you will not be so prompt in calling out "New Orleans." If you will take up the riot at New Orleans, and trace it back to its source or its immediate cause, you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the radical Congress, you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their

caucuses, you will understand that they there knew that a convention was to be called which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population, called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans, you ought to understand what you are talking about. When you read the speeches that were made, and take up the facts on the Friday and Saturday before that convention sat, you will there find that speeches were made incendiary in their character, exciting that portion of the population, the black population, to arm themselves and prepare for the shedding of blood. You will also find that that convention did assemble in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the Government of the United States; and every man engaged in that rebellion in that convention, with the intention of superseding and upturning the civil government, which had been recognized by the Government of the United States, I say that he was a traitor to the Constitution of the United States, and hence you find that another rebellion was commenced, having its origin in the radical Congress. . . .

““So much for the New Orleans riot. And there was the cause and the origin of the blood that was shed; and every drop of blood that was shed is upon their skirts, and they are responsible for it. I could test this thing a little closer, but will not do it here to-night. But when you talk about the causes and consequences that resulted from proceedings of that kind, perhaps, as I have been introduced here, and you have provoked questions of this kind, though it does not provoke me, I will tell you a few wholesome things that have been done by this radical Congress in connection with New Orleans and the extension of the elective franchise.

““I know that I have been traduced and abused. I know it has come in advance of me here as elsewhere, that I have attempted to exercise an arbitrary power in resisting laws that

were intended to be forced upon the Government; that I had exercised that power; that I had abandoned the party that elected me, and that I was a traitor, because I exercised the veto power in attempting, and did arrest for time, a bill that was called a "Freedmen's Bureau Bill;" yes, that I was a traitor. And I have been traduced, I have been slandered, I have been maligned, I have been called Judas Iscariot, and all that. Now, my countrymen, here to-night, it is very easy to indulge in epithets; it is easy to call a man Judas and cry out traitor, but when he is called upon to give arguments and facts, he is very often found wanting. Judas Iscariot—Judas. There was a Judas, and he was one of the twelve apostles. O yes! the twelve apostles had a Christ. The twelve apostles had a Christ, and he never could have had a Judas unless he had had twelve apostles. If I have played the Judas, who has been my Christ that I have played the Judas with? Was it Thad. Stevens? Was it Wendell Phillips? Was it Charles Sumner? These are the men that stop and compare themselves with the Savior; and everybody that differs with them in opinion, and to try to stay and arrest their diabolical and nefarious policy, is to be denounced as a Judas. : . .

"Well, let me say to you, if you will stand by me in this action; if you will stand by me in trying to give the people a fair chance—soldiers and citizens—to participate in these offices, God being willing, I will kick them out. I will kick them out just as fast as I can.

"Let me say to you, in concluding, that what I have said I intended to say. I was not provoked into this, and I care not for their menaces, the taunts, and the jeers. I care not for threats. I do not intend to be bullied by my enemies, nor overawed by my friends. But, God willing, with your help, I will veto their measures whenever any of them come to me.'

"Which said utterances, declarations, threats, and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule, and disgrace, to the great scandal of all good citizens, whereby said Andrew Johnson, President of the United States,

did commit, and was then and there guilty of a high misdemeanor in office.

“ARTICLE XI. That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, and in disregard of the Constitution and laws of the United States, did, heretofore, to wit, on the 18th day of August, A. D. 1866, at the city of Washington, and the District of Columbia, by public speech, declare and affirm, in substance, that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same; but, on the contrary, was a Congress of only part of the States, thereby denying, and intending to deny, that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except in so far as he saw fit to approve the same, and also thereby denying, and intending to deny, the power of the said Thirty-ninth Congress to propose amendments to the Constitution of the United States; and, in pursuance of said declaration, the said Andrew Johnson, President of the United States, afterwards, to wit, on the 21st day of February, A. D. 1868, at the city of Washington, in the District of Columbia, did, unlawfully, and in disregard of the requirement of the Constitution that he should take care that the laws be faithfully executed, attempt to prevent the execution of an Act entitled ‘An Act regulating the tenure of certain civil offices,’ passed March 2, 1867, by unlawfully devising and contriving, and attempting to devise and contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension theretofore made by said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War; and, also, by further unlawfully devising and contriving, and attempting to devise and contrive, means, then and there, to prevent the execution of an Act entitled ‘An Act making appropriations for the support of the army for the fiscal year ending June 30, 1868, and for other purposes,’ approved March 2, 1867; and, also, to prevent the execution of an Act entitled ‘An Act to provide for the

more efficient government of the rebel States,' passed March 2, 1867, whereby the said Andrew Johnson, President of the United States, did then, to wit, on the 21st day of February, A. D. 1868, at the city of Washington, commit, and was guilty of, a high misdemeanor in office.

“SCHUYLER COLFAX,

“Speaker of the House of Representatives.

“Attest: EDWARD McPHERSON, Clerk of the House of Representatives.”

The following members were also elected to conduct the case for the House: Benjamin F. Butler, Thaddeus Stevens, John A. Bingham, George S. Boutwell, James F. Wilson, Thomas Williams, and John A. Logan. On the 4th of March, the Senate read the articles, and on the next day Chief Justice Chase administered the oath to the members of that body. On the 13th, the Senate being in session as a court, the Chief Justice presiding, to try the President, three of the counsel for the accused appeared to answer for him, and presented a professional statement signed by Henry Stanbery, B. R. Curtis, Jeremiah S. Black, William M. Evarts, and Thomas A. R. Nelson, and also exhibited the President's appearance as follows:—

“IN THE MATTER OF THE IMPEACHMENT OF ANDREW JOHNSON,
PRESIDENT OF THE UNITED STATES.

“MR. CHIEF JUSTICE,—I, Andrew Johnson, President of the United States, having been served with a summons to appear before this honorable court, sitting as a court of impeachment, to answer certain articles of impeachment found and presented against me by the honorable the House of Representatives of the United States, do hereby enter my appearance by my counsel, Henry Stanbery, Benjamin R. Curtis, Jeremiah S. Black, William M.

Evarts, and Thomas A. R. Nelson, who have my warrant and authority therefor, and who are instructed by me to ask of this honorable court a reasonable time for the preparation of my answer to said articles.

"After a careful examination of the articles of impeachment and consultation with my counsel, I am satisfied that at least forty days will be necessary for the preparation of my answer, and I respectfully ask that it be allowed.

"ANDREW JOHNSON."

It was decided that the answer should be presented on the 23d of the same month, an arrangement to which the President and his counsel assented.

On the 24th the managers for the House presented this brief replication which was adopted by a vote of one hundred and sixteen to thirty-six, and the trial ordered to begin on the 30th of March, 1868:—

"IN THE HOUSE OF REPRESENTATIVES UNITED STATES, }
" March 24, 1868. }

"REPLICATION BY THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES

"TO THE ANSWER OF ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES,
TO THE ARTICLES OF IMPEACHMENT EXHIBITED AGAINST HIM BY THE
HOUSE OF REPRESENTATIVES.

"The House of Representatives of the United States have considered the several answers of Andrew Johnson, President of the United States, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantage of exception to the insufficiency of his answer to each and all of the several articles of impeachment exhibited against said Andrew Johnson, President of the United States, do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against said Andrew Johnson in the said articles of impeachment, or either of them; and for

replication to said answer do say that said Andrew Johnson, President of the United States, is guilty of the high crimes and misdemeanors mentioned in said articles, and that the House of Representatives are ready to prove the same.

“SCHUYLER COLFAX,

“Speaker of the House of Representatives.

“EDWARD MCPHERSON, Clerk of the House of Representatives.”

Notwithstanding the eleven articles of impeachment and the great display in the preparation of this case on the part of the House, there were really but three or four articles in the bill, the extravagant showing laying the prosecutors liable to the charge of insincerity. The first eight items are but different forms of the same thing, the attempt of the President to remove Mr. Stanton and substitute Lorenzo Thomas, and his conspiracy with Thomas for that purpose; the ninth article makes the charge of the President's attempt to corrupt General Emory for the purpose of taking the command of the army out of the hands of General Grant; the tenth article makes the charge of uttering slanderous, vulgar, and undignified speeches; and the last, of the President uttering the sentiment that Congress, as then organized, was not the Congress of the United States, and that its acts were not to be regarded as valid.

Although the President utterly denied the truth of all the charges against him, he admitted his purpose to test the “Constitutionality” of the “Tenure of Office Act,” and his correspondence with General Grant sufficiently proved that he considered the General under obligations to aid him in the scheme

to keep Mr. Stanton out of the War Department, and such an understanding with General Thomas was admitted and plain enough. The general charge contained in the first eight articles of impeachment was true on the President's own showing, and was fully known to be true by everybody who knew anything about the case. But whether it was a fit and politic ground of impeachment or not was quite another matter.

No refined, educated, and correct-thinking man could have read the speeches of Mr. Johnson while he was "swinging round the circle," as it was ridiculously termed, or can read them now, and be unable to reach the conclusion that the third charge against the President was not true. And as to the second and fourth charges, in relation to General Emory and the spurious Congress, the same may be said in general terms, as here written of the first charge.

The President was strongly censured by many of the men who now came to his support because he did not openly declare Congress an unlawful body, and organize a Congress to suit his views and policy. It was this rebellious and erroneous backing and counsel which cast the great shadow of suspicion over President Johnson's course at this period in his career. In his wonderful book, "Constitutional View of the War," Alexander H. Stephens says, page 649, Volume II.:—

"In this connection, a negative error of Mr. Johnson should receive, at least, a passing notice, and the more so from the fact that I believe his sole object now is to

restore the Union and maintain the federal system established by the fathers. To this end every energy seems, at this time, to be most patriotically directed, and however much I may have disagreed with him in the past, he is, in my judgment, now entitled to the confidence, support, and cordial co-operation of every friend of Constitutional liberty throughout the country. The error, however, to which I here allude, was that (with his views of the Constitution and the powers and duties of the President under it, and the nature of the Union) he did not refuse to recognize, as the Congress of the United States, any bodies in which any one of the States of the Union was denied representation in the House and an equal voice in the Senate. Had he thus proclaimed and thus acted, when the policy of the reconstruction committee was at first openly declared, he might have sustained his own views and prevented the consummation of that most iniquitous policy. There were then in Congress enough anti-centralists in the Senate and House from the Northern States, with the Senators and Representatives returned from the South, to constitute a majority of a legitimate Congress. By such union, a Constitutional Congress could have been organized; and if Mr. Johnson had invited such a union, and recognized it as the only true Congress of the United States, as it would have been, these gross usurpations never would have been perpetrated."

And yet men who could give forth such views were exclaiming against Mexicanizing the Government! What views might not be announced by a man who had been engaged in a rebellion of which he had prophesied such utterly foolish and false things? This little man always had on his tongue the cry of "Consolidation of Power," "Consolidationists," "Centralization," "Centralizationists." No

intelligent man now lives who does not know that that cry was always a piece of party quackery, was always for effect. I do not believe that any man with even no more good sense than Alexander H. Stephens, or any other man informed in the affairs of this Republic, and the character of its people for the last fifty years, ever could have believed, during that period, that there was the remotest shadow of truth and sincerity in his own cry, or that of any other man or organization of men, about what they called centralization. A "Consolidationist" has not existed in this country, at least in its native element, for fifty years, if such a thing was even known in the early aristocratic days of the Republic. If a centralist has lived in the last two or three generations, he might be looked for with some hope of finding him in Mr. Stephens's own section where democracy always bore a farcical aspect.

The War of the Rebellion demonstrated one thing to be true beyond doubt or cavil, but which may now be generally admitted as true by those affected by it, that the Democratic party, led by its distinctive principles, never could and never would have preserved this Union; and it may now be held as doubtful at least, whether that party, left to its own course, could have reconstructed the disorganized Union so that it would not have been necessary to fight over again the battle for freedom and the universal conditions of everlasting harmony. This thought may, at all events, suggest a source of consolation for the errors and evils of the strong party to which history,

regardless of the clash of opinions or personal preferences, must ever accord the imperishable glory of perpetuating the unbroken Union.

At half-past twelve o'clock on Monday, March 30, 1868, the Chief Justice took his seat in the Senate to preside in the trial of Andrew Johnson; and the Sergeant-at-Arms made the following quaint, somewhat ridiculous, and not strictly accurate proclamation:—

“Hear ye! hear ye! hear ye! All persons are commanded to keep silence while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Andrew Johnson, President of the United States.”

A few minutes later this important personage announced the presence of the managers on the part of the House, and the members of that body as a committee of the whole to witness the proceedings they had instituted; and this remarkable and shameful trial began.

General Butler then opened the case for the House in a long and exhaustive argument, in which he took occasion to assail the President's speeches, and what was claimed as his attempts to corrupt General Emory. Mr. Boutwell, Mr. Williams, and Mr. Bingham made equally severe and no more convincing and satisfactory arguments on the part of the House. And Mr. Curtis, Mr. Nelson, Mr. Groesbeck, and Mr. Evarts especially distinguished themselves in their defense of the President. The arguments on both sides were often ingenious enough, but the make-shift

and fictitious air pervading these speeches and the whole proceeding robs the best efforts of the claim of much strength or ability, and, even if the size of this work would permit, renders their reproduction here hardly a thing to be desired, especially by the busy general reader.

By the 12th of May the testimony had all been introduced on both sides, and all the speech-making was over, when an adjournment of the court was effected for a few days on account of the sickness of a Senator. On the 16th of May the court again met to continue the trial, and by a vote of thirty-four to nineteen decided to take the strength of the Senate on the last article of impeachment. The names of the Senators were called alphabetically. The first called by the clerk was that of Mr. Anthony. When he rose in his seat the Chief Justice said: "Mr. Senator Anthony, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor, as charged in this article?"

In this language the presiding officer called for the vote of every Senator as his name was read by the clerk. The vote on this article stood thirty-five guilty and nineteen not guilty. The yeas were all Republicans, as were six of the nineteen for acquittal. The Chief Justice then said that as two-thirds had not pronounced guilty, the President stood acquitted on that article. This was the test, and the final result was now quite evident. A motion was now made by Mr. Williams one of the managers for the

House, for adjournment for ten days, and this motion was finally carried.

On Tuesday, May 26, 1868, at noon the Senate again assembled, the Chief Justice in the Chair, and votes were taken on the second and third articles of impeachment with the same result as in the eleventh.

Mr. Williams now moved that the Senate, sitting as a court of impeachment do now adjourn *sine die*. This motion was carried, thirty-four Republicans voting for it, and four Republicans and twelve Democrats voting against it, and four Republicans not voting. Judgment of acquittal on the three articles voted upon was then entered by the Chief Justice, by the consent of the Senate, and this remarkable trial came to an end.

The country was in a high state of excitement during this trial, and, to a great extent, Congress shared in it. And although there was a wonderful show of dignity and ceremony there were some very decided displays of temper. Mr. Nelson of the President's counsel especially distinguished himself, disgracing the assemblage and the country by an angry explosion in which he notified Mr. Manager Butler that he might call upon him for "satisfaction," a threat that Ben Butler always had good sense enough to treat with utter contempt and disgust. A motion was made to censure Mr. Nelson for this conduct, a thing he richly deserved doubtlessly, but the motion was voted down. Both the managers and the counsel for the President indulged in much levity, and Mr. Evarts especially disfigured his argument with Latin

and what he designed for humor. Most of the counsel in this celebrated case were unable to escape the lawyer's vulgar propensity to sling in, here and there, Latin phrases and proverbs, weakening their arguments and lending something to the general farcical character of the trial. In real ability there was, perhaps, little disparity between the managers for the House and the counsel for the President. The early disappearance of Mr. Black from among the legal defenders of the President gave rise to a scandal in which, it was held by many, that both Mr. Black and the President were seriously involved. This matter related to the West India Island, *Alta Vela*. As to the cause of the withdrawal of Judge Black from the counsel for the President, Mr. Nelson saw fit to offer some remarks in the course of his argument, which brought the following explanation from Mr. Manager Butler:—

“This narration is, as I say, rendered necessary by what was said by Mr. Nelson, of counsel for the President, in his argument on Friday last, contained in Vol. II., pages 144, 145, and 146 of the Record, in relation to Hon. J. S. Black, and the supposed connection of some of the managers and members of the House with him in regard to the island of *Alta Vela*. This explanation becomes necessary because of the very anomalous course taken by the learned counsel in introducing in his argument what he calls a ‘statement of facts,’ not one of which would have been competent if offered in evidence, and upon which he founds an attack upon a gentleman not present, and from which he deduces insinuations injurious to some of the managers and other gentlemen, members of the House of Representatives, who are not parties to the issue here, and who have no opportunity to be heard.

“The learned counsel was strenuous in argument to prove

that this was a court, and its proceedings were to be such only as are had in judicial tribunals. He therefore ought to have constrained himself, at least, to act in accordance with his theory. The veriest tyro in the law, in the most benighted portion of the Southern country, ought to know that in no court, however rude or humble, would an attack be allowed upon the absent or counsel engaged in a cause upon a statement of pretended facts, unsupported by oath, unsifted by cross-examination, and which those to be affected by them had no opportunity either to verify or dispute.

"After extracting the details of a document sent by his client to the Senate, the counsel proceeds in relation to a dispute concerning the island of Alta Vela:

"According to the best information I can obtain, I state that on the 9th of March, 1868, General Benjamin F. Butler addressed a letter to J. W. Shaffer, in which he stated that he was "clearly of opinion that, under the claim of the United States, its citizens have the exclusive right to take guano there," and that he had never been able to understand why the Executive did not long since assert the rights of the Government, and sustain the rightful claims of its citizens to the possession of the island in the most forcible manner consistent with the dignity and honor of the Nation.

"This letter was concurred in and approved of by John A. Logan, James A. Garfield, W. H. Koontz, J. K. Moorhead, Thaddeus Stevens, James G. Blaine, and John A. Bingham, on the same day, 9th March, 1868.

"The letter expressing the opinion of Generals Butler, Logan, and Garfield was placed in the hands of the President by Chauncey F. Black, who, on the 16th of March, 1868, addressed a letter to him, in which he inclosed a copy of the same, with the concurrence of Thaddeus Stevens, John A. Bingham, James G. Blaine, J. K. Moorhead, and William H. Koontz.

"After the date of this letter, and while Judge Black was the counsel of the respondent in this cause, he had an interview with the President, in which he urged immediate action on his part, and the sending of an armed vessel to take possession of the island; and because the President refused to do so, Judge

Black, on the 19th of March, 1868, declined to appear further as his counsel in this case.

“Such are the facts in regard to the withdrawal of Judge Black, according to the best information I can obtain. So far as the President is concerned, “the head and front of his offending hath this extent; no more.”

“It is not necessary to my purpose that I should censure Judge Black, or make any reflection upon or imputation against any of the honorable managers.

“The island of Alta Vela, or the claim for damages, is said to amount in value to more than a million dollars, and it is quite likely that an extensive speculation is on foot. I have no reason to charge that any of the managers are engaged in it, and presume that the letters were signed, as such communications are often signed by members of Congress, through the importunity of friends.

“Judge Black, no doubt, thought it was his duty to other clients to press this claim; but how did the President view it? . . .

“There are two or three facts to which I desire to call the attention of the Senate and the country in connection with these recommendations. They are, first, that they were all gotten up after this impeachment proceeding was commenced against the President of the United States. Keep the dates in mind, and you will see that such is the fact. Every one of them was gotten up after this impeachment proceeding was commenced against him.’

“It can not fail to be evident that while the counsel disclaims any imputation either upon Judge Black or the managers in words, he so states what he claims to be the facts as to convey the very imputation disclaimed. Therefore it is that I have felt called upon to notice the insinuating calumny.

“My personal knowledge of matters connected with the island of Alta Vela is very limited.

“Some time in the summer of 1867, being in waiting on other business in the office of the Attorney-General, Mr. Stanbery, I was present at an argument by Judge Black in behalf of the American citizens claiming an interest in that island. I there, for the first time, learned the facts argued and in dis-

pute concerning it by listening to and incidentally taking a part, on being appealed to, in the discussion. In February last my attention was next drawn to the matter of the spoliation and imprisonment of American citizens upon the island of Alta Vela by an inquiry of a personal friend, Colonel Shaffer, if I had any acquaintance with the question, and, if so, would give him my opinion as a lawyer upon the merits of the controversy. To serve a friend simply, upon recollection of the discussion with the Attorney-General, I gave him such 'opinion,' the rough draught of which I hold in my hand, which is without date, and which, being copied, I signed and placed in his hands. This I believe to have been in the early part of February; certainly before the act was committed by Andrew Johnson which brought on his impeachment. From that time until I saw my 'opinion' published in the 'New York Herald,' purporting to come from President Johnson, I never saw it, or communicated with either of the gentlemen whose names appear in the counsel's statement attached thereto in any manner, directly or indirectly, in regard to it, or the subject-matter of it, or the island of Alta Vela, or the claims of any person arising out of it, or because of it. Thus far I am able to speak of my own knowledge.

"Since the statement of the counsel 'according to the best information he can obtain,' I have made inquiry, and from the best information I can obtain find the facts to be as follows: That soon after the 'opinion' was signed, Colonel Shaffer asked Hon. John A. Logan to examine the same question, presented him his brief of the facts, and asked him if he could concur in the opinion, which, after examination, Mr. Logan consented to do, and signed the original paper signed by myself. I may here remark that the recollection of General Logan and Colonel Shaffer concur with my own as to the time of these transactions. I have learned and believe that my 'opinion' with the signature of General Logan attached was placed in the hands of Chauncey F. Black, Esq., and by him handed to the President of the United States with other papers in the case. Mr. Black made a copy of my 'opinion;' and afterward, at his convenience, procured a member of Congress, a personal friend of his, one of the signers, to get the names of other members

of Congress, two of whom happened to be managers of the impeachment. This was done by a separate application to each, without any concert of action whatever, or knowledge or belief that the paper was to be used in any way or for any purpose other than the expression of their opinions upon the subject-matter. This copy of my 'opinion,' when so signed, was a very considerable time after the original given to the President. I desire further to declare that I have no knowledge of or interest, directly or indirectly, in any claim whatever arising in any manner out of the island of Alta Vela other than as above stated.

"In justice to the other gentlemen who signed the copy of the paper, I desire to annex hereto the affidavits of Chauncey F. Black, Esq., and Colonel J. W. Shaffer, showing that neither of the gentlemen signing the paper had any interest or concern in the subject-matter thereof other than as above set forth.

"While I acquit the learned counsel of any intentional falsity of statement, as he makes it to his 'best information,' which must have been obtained from Andrew Johnson, yet the statement contains every element of falsehood, being both the *suppressio veri* and the *suggestio falsi*, in that it says that on the 9th of March General Benjamin F. Butler addressed a letter to J. W. Shaffer, and that 'this letter was concurred in and approved of by John A. Logan, James A. Garfield, W. H. Koontz, J. K. Moorhead, Thaddeus Stevens, James G. Blaine, and John A. Bingham, on the same day, 9th March, 1868,' when the President knew that the names of the five last-mentioned gentlemen were procured on a copy of the letter long after the original was in his hands.

"Again, there is another deliberate falsehood in the thrice-reiterated statement that these signatures were procured and sent to him for the purpose of intimidating him into doing an act after he was impeached, the propriety and legality of which was contrary to his judgment, when, in truth and in fact, the signatures were procured and sent to him in order, as he averred, to sustain him in doing what he himself declared was just and legal in the premises, and which he intended to do."

This is, perhaps, all there was in the Alta Vela case, although I found one political and personal

friend of President Johnson, at Nashville, who was of the opinion that in the old trunks and boxes, yet silent, in Greenville, would be revealed a vast mass of corruption in relation to this very Alta Vela Island business, which, while going to vindicate Mr. Johnson's common fame for honesty, would greatly compromise other distinguished names.

The Republicans who voted "not guilty" on the impeachment articles, thus securing the acquittal of the President, were for a time, loudly censured by many of the party newspapers. It was held by many of the party leaders, too, that Mr. Johnson's conviction was necessary to success at the approaching election, and that his acquittal would greatly injure, if not defeat, the Republicans.

In a paper of recent date Sam Ward gives this account of the part he took in this case:—

"I am prouder of the part I took in defeating the impeachment of Andrew Johnson, than of any of my 'ground and lofty tumbling.' It was on Washington's birthday, 1868, when the Democrats met at Welcker's to appoint a time and place for the Presidential Convention, viz., July 4, 1868. And I learned that, after Stanton, owing to the weakness of General Thomas, had retained possession of the War Department, it was resolved by Sumner, Hooper, James F. Wilson, of Iowa, and the leading Republicans, to impeach the President in three days and try him in four weeks. It was I who first carried the tidings to Secretary McCulloch, and took from him a card to the President, whom I did not know. He was entertaining the *corps diplomatique* at dinner, so I had an hour to spare, which I spent in seeing Chief Justice Chase, to whom the news was a surprise. It was also one to the

President when I found him at ten o'clock. I told him to secure the most eminent counsel, half Democrats and half Republicans. He took Curtis and Evarts, and Nelson and Groesbeck.

"What killed the impeachment, it is not for me to say here. But it is due to the late Senator Grimes, of Iowa, to state that he was the hero of the occasion.

"There were hundreds of thousands betted upon the issue, and the biters, deceived by General Butler's assurance, were heavily bitten. All this is matter of history. But I am prouder of having countermined that vile intrigue to make Ben. Wade President, *with a Cabinet that General Grant was asked to name*, than of any other event of my life. I contributed my stoutest efforts, and we won and saved the country from being Mexicanized."

Although, as has been shown, the design of impeachment was not of such sudden origin, that it was not successful can not now be a cause of regret to the American people. In some respects the defense made by the President and his counsel was quite weak. Over his undignified and disgraceful harangues on his tour through the country, they did little more than laugh. They could do no better. Some of the defense was made on grounds which could hardly have been deemed sincere.

In the charges of the managers for the House, and often in their speeches, there was an extravagance which does not commend the case in any way at this day. However true were the main items in the impeachment articles, it may be doubted whether they were sufficient cause of impeachment. At all events, the impolicy of arraigning the President on such grounds would hardly bear argument at the

present time. A more cultured and cautious President would not have given rise to a bill of charges so ridiculous against him, and if he had done so in a less inflammable period, Congress would, perhaps, have passed him unnoticed.

CHAPTER XVIII.

PARTY CONVENTIONS—NOMINATIONS AND PLATFORMS—
PRESIDENTIAL CAMPAIGN OF 1868—GENERAL GRANT—
LAST ANNUAL MESSAGE—CONGRESS AND THE EXEC-
UTIVE—THE PRESIDENT'S PLAN—THE FIFTEENTH
AMENDMENT.

FROM "The Cincinnati Enquirer," June 20, 1880,
is taken the following readable account of the
nominating conventions of 1868:—

"The Tenth National Democratic Convention met in the city of New York on the 5th of July, at Tammany Hall, on Fourteenth Street. August Belmont called the convention to order, nominating Henry S. Palmer, of Wisconsin, for temporary chairman. Committees on Resolutions, Credentials, and Organization were appointed. Hon. Horatio Seymour was chosen permanent president; and, on report of Mr. Hiester Clymer, of Pennsylvania, a secretary and vice-presidents were appointed, one from each State. Mr. Bigler, of Pennsylvania, offered a resolution that the delegates in the convention proceed to ballot for President, to which Stilson Hutchins, of 'The St. Louis Times,' the bold, bad man who wrote the virtuous Samuel T. Glover that he would elect him to the United States Senate if he would give him \$10,000, added an amendment that no steps be taken toward the nomination of a candidate until after the platform shall have been presented. The amendment was adopted by 189½ to 89. Next came a reception of a delegation from the Soldiers' and Sailors' Convention, armed with a long memorial. Sergeant Bates carried the flag. Then came the soldiers, Generals Franklin, Slocum, Granger, Kilby Smith, Denver and Tom Ewing, Jun., and the sailors,

who were probaly half-seas over, as none appeared. General Ewing made a lively speech, though cautious, for it was not then known whether the Democratic party would accept Chase and negro suffrage or not. Susan B. Anthony addressed a letter to the convention, pleading for the enfranchisement of women—the same justice to fifteen million white women that had been accorded to two million black men.

“Many were the men of prominence who attended the convention that nominated Seymour and Blair. South Carolina sent General Wade Hampton, the well-known leader of the Hampton Legion, a brigade of cavalry styled the ‘Black Horse,’ organized exclusively from the Palmetto State, the first rebel to acknowledge the right of a freedman to speak on the stage in public, and did actually, in 1865, deliver an eloquent address in continuation of remarks made by a dusky orator, formerly a chattel, who spoke from the same platform, to a mixed audience of whites and blacks; Ex-Senator James Chestnut, an original secessionist, who resigned his seat November 10, 1860, on the same day that the South Carolina Legislature authorized the banks to suspend specie payment, and appointed November 21st as a day of prayer; A. P. Aldrich, who, while a member of the South Carolina Legislature in 1860, offered a resolution to expel all free colored men from the State, and who first suggested the idea of holding a convention in his State in reference to secession; Congressman R. B. Rhett; and G. D. Trenholm, rebel Secretary of the Treasury. Alabama sent two ex-governors, Lewis Parsons and John A. Winston; C. C. Langdon, editor and proprietor of ‘The Mobile Advertiser.’ From Arkansas came General A. H. Garland and J. S. Dunham. Connecticut sent W. W. Eaton, afterward United States Senator; and from California came Ex-Governor John Bigler, a staunch Democrat, and a brother to that other ex-governor of the same name from Pennsylvania. Hon. James A. Bayard headed, as usual, the delegation from little Delaware. Florida sent Major W. G. Poole and Major W. W. Van Ness, formerly of the rebel army. Benj. H. Hill, who was said to have killed Yancey during a quarrel in the halls of the Confederate Congress, and General John B. Gordon, afterward United States Senator,

came from Georgia. General Wm. H. Richardson, a military hero, came from Illinois. The eloquent Dan W. Voorhees, the Tall Sycamore of the Wabash, and Hon. W. E. Niblack, both favorites with the Hoosier Democracy, came from Indiana. Kentucky sent B. F. Buckner, a near relative of General S. B. Buckner, who surrendered Fort Donelson. Missouri sent General Thomas L. Price, of Jefferson City, one of the best officers in the western department of the rebel army, and brother to old 'Pappy,' or Sterling Price, as his devoted soldiers called him. New York sent an array of Democratic talent. Foremost was Horatio Seymour, against whose fair name no blur was ever found; Samuel J. Tilden, who wrote a famous letter in October, 1860; Sandford E. Church, called the 'Perpetual Candidate;' George W. McLean and Henry C. Murphy; the once notorious George Law, and Erastus Brooks, of 'The New York Express,' whom the Credit Mobilier scandal killed; Justice Dowling, of the Tombs; Boss Tweed; Hon. John Morrissey, of pugilistic credit and renown; A. Oakey Hall, once mayor of New York, promoted to be city editor of 'The New York World;' Judge Cardozo, and the unfortunate Peter B. Sweeney, and John A. Green, of 'The Interior,' who once at a State Democratic Convention made a motion that the convention sing the hymn:

'Great God! and are we yet alive,
And do we yet rebel?
'T is wondrous, 't is amazing grace,
That we are out of hell.'

"Ohio sent Wash McLean, Esq., and General George W. McCook. North Carolina sent Ex-Governor Zebulon B. Vance, and Ex-General John W. Hoke, and M. W. Ransom. Pennsylvania was worthily represented in Samuel J. Randall, the warlike; Asa Packer, the modest Ex-Governor; William Bigler, the weighty but unassuming leader of the Democracy in days gone by; Judge George W. Woodward, who would have governed the Keystone State but for McClellan's indiscreet partisanship; William F. Packer, another Ex-Governor; Jerry Black, once Attorney-General of the United States; Alderman Bill McMullen, once a soldier of fortune in Mexico, commander of Patterson's body-guard at the time when John-

son's re-enforcements were allowed to slip by and gain the battle of Bull Run, referee in sundry cuffs between man and man, when striking arguments brought blood and money, and possible, at least then talked-of, umpire in the friendly encounter that was never to be between the doughty Benicia Boy, one of the few survivors of King Faro's hosts, and Michael McCool, Esq., the big lubber of St. Louis. Tennessee sent General N. B. Forrest, immortalized by Fort Pillow; and Ed Cooper, Johnson's private secretary. The Old Dominion, the mother of statesmen, and birthplace of Presidents, sent United States Representative Bocock, late of the Confederate army and Congress; J. R. Tucker, a relative of the noted Beverly Tucker; and Robert Ould, formerly Commissioner of Exchange on behalf of the rebel government. Massachusetts sent delegates from the Hub and neighboring hamlets; Judge Abbott, a Superior Court Judge from 1855 to 1858. West Virginia, the offspring of the political rape of the Old Dominion, sent Henry S. Walker, an eloquent editor from the Kanawha; I. N. Camden, of the Standard Oil monopoly, and present owner of the White Sulphur Springs; H. G. Davis, afterward a United States Senator.

"On the second day General Thomas L. Price presided, Seymour being indisposed. A series of resolutions prepared by Alexander H. Stephens, of Georgia, were read; and Richardson, of Illinois, moved to refer all resolutions to the committee without reading. Henry C. Murphy, of New York, read the platform. Governor Bigler wanted to proceed to the nominations, and the president explained the effects of the two-thirds rule. Connecticut made the first nomination, that of James E. English, whom the old-timer, Eaton, styled 'a star in the East;' but in this case he did n't shine with particular brilliancy. Maine, through General Anderson, nominated General W. S. Hancock; New Jersey, through Mr. Little, Ex-Governor Joel Parker; Tilden, of New York, nominated Sanford E. Church; Ohio, through General McCook, nominated George H. Pendleton; Pennsylvania, through Judge Woodward, nominated Asa Packer; Tennessee, through Thomas A. R. Nelson, nominated Andrew Johnson; and Wisconsin, Mr. Doolittle. The first ballot was: Pendleton, 105; Hancock, 33½; Church, 34;

English, 26; Parker, 13; Packer, 36; Johnson, 65; Doolittle, 13; Hendricks, $2\frac{1}{2}$; Blair, $\frac{1}{2}$; Reverdy Johnson, $8\frac{1}{2}$. Johnson's vote on the first ballot astonished everybody. Many of the Northern delegates voted for him, so that he stood next to Pendleton. Frank Blair passed through the ordeal of a ballot and got one-half a vote, though on the second ballot Virginia gave him ten ballots as a sort of consolation. The Pennsylvania delegation retired on the third ballot, but their return showed no new move, and they voted for Packer as they had done before. North Carolina voted for Seymour on the fourth ballot. The ballots were as follows:

CANDIDATES.	Second.	Third.	Fourth.	Fifth.	Sixth.
Pendleton,	104	119 $\frac{1}{2}$	118 $\frac{1}{2}$	122	122 $\frac{1}{2}$
Johnson,	52	31 $\frac{1}{2}$	32	24	21
Hancock,	40 $\frac{1}{2}$	45 $\frac{1}{2}$	43 $\frac{1}{2}$	46	47
Church,	33	33	33	33	33
Packer,	26	26	26	27	27
English,	12 $\frac{1}{2}$	7 $\frac{1}{2}$	7 $\frac{1}{2}$	7	6
Parker,	15 $\frac{1}{2}$	13	13	13	13
Doolittle,	12 $\frac{1}{2}$	12	12	15	12
Johnson,	8 $\frac{1}{2}$	11	8	...	...
Hendricks,	2	9 $\frac{1}{2}$	11	19 $\frac{1}{2}$	30
Blair, Jr.,	10 $\frac{1}{2}$	4 $\frac{1}{2}$	2	9 $\frac{1}{2}$	5
Ewing, Jr.,	1 $\frac{1}{2}$	1	1	...	...
Seymour, . . . . .	...	...	9	...	...

"John Quincy Adams had one vote on the fifth ballot. On Wednesday the convention took twelve more ballots, General Hancock leading at the close. . . . This was the balloting:

CANDIDATES.	Seventh.	Eighth.	Ninth.	Tenth.	Eleventh.	Twelfth.	Thirteenth.	Fourteenth.	Fifteenth.	Sixteenth.	Seventeenth.	Eighteenth.
Pendleton.....	137 $\frac{1}{2}$	156 $\frac{1}{2}$	144	147 $\frac{1}{2}$	144 $\frac{1}{2}$	145 $\frac{1}{2}$	134 $\frac{1}{2}$	130	129 $\frac{1}{2}$	107 $\frac{1}{2}$	70 $\frac{1}{2}$	56 $\frac{1}{2}$
Johnson.....	12 $\frac{1}{2}$	6	5 $\frac{1}{2}$	6	5 $\frac{1}{2}$	4 $\frac{1}{2}$	4 $\frac{1}{2}$	...	51 $\frac{1}{2}$	51 $\frac{1}{2}$	6	10
Hancock.....	42 $\frac{1}{2}$	28	34 $\frac{1}{2}$	34	32 $\frac{1}{2}$	30	48 $\frac{1}{2}$	56	79 $\frac{1}{2}$	113 $\frac{1}{2}$	131 $\frac{1}{2}$	144 $\frac{1}{2}$
Church.....	33	...	...	...	...	...	...	...	...	...	...	...
Packer.....	26	26	26 $\frac{1}{2}$	27 $\frac{1}{2}$	26	26	26	26	...	...	...	...
Parker.....	7	7	7	7	7	7	7	7	7	7	7	3 $\frac{1}{2}$
English.....	6	6	6	...	...	...	...	...	...	...	...	...
Doolittle.....	17	12	12	12	12 $\frac{1}{2}$	12 $\frac{1}{2}$	13	13	12	12	12	12
Blair.....	1 $\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	...	...	...	...	...
Hendricks.....	34 $\frac{1}{2}$	75	80 $\frac{1}{2}$	82 $\frac{1}{2}$	88	89	81	84 $\frac{1}{2}$	82 $\frac{1}{2}$	70 $\frac{1}{2}$	80	87
McClellan.....	...	...	...	...	...	...	...	...	...	...	...	...
Chase.....	...	...	...	...	...	1	...	...	...	...	...	...

"Salmon P. Chase had one-half a vote on the thirteenth ballot and seventeenth and eighteenth; Pierce had one vote on the thirteenth, and John T. Hoffmann three votes on the seventeenth and eighteenth.

"The chances when the convention adjourned on Wednesday night were that General Hancock would be the nominee. Thursday morning, however, while he gained ground on the first two ballots, yet the tenacity with which some of the larger delegations held to other candidates rendered it self-evident that his greatest strength had been reached. On the eighteenth ballot General Hancock stood $144\frac{1}{2}$; Hendricks, 87; Pendleton, $56\frac{1}{2}$. Pendleton's highest vote was on the eighth ballot, when he received $156\frac{1}{2}$, the greatest number given to any single candidate at any time until the closing and unanimous ballot of the convention. On the opening of the convention Thursday morning, Colonel James O. Broadhead, of Missouri, nominated Frank Blair for the Presidency. The chair announced that the business in order was the nineteenth ballot. A California delegate presented the name of Judge Stephen J. Field, brother of David Dudley and Cyrus W., of Atlantic cable fame, as a candidate for the Presidential nomination. Mr. Vallandigham presented a letter from Hon. George H. Pendleton to Hon. Wash McLean, of the Ohio delegation, authorizing the withdrawal of his name whenever it should seem desirable, and stating that he deemed the success of the party more important than the gratification of mere personal ambition. The nineteenth ballot was: Hancock, $135\frac{1}{2}$; English, 6; Packer, 22; Doolittle, 12; Hendricks, $107\frac{1}{2}$; Blair $13\frac{1}{2}$; Field, 15; Chase, $\frac{1}{2}$; Thomas H. Seymour, 4. Hendricks and Hancock were now both the leading candidates before the convention, too nearly equal to give much hope of an early choice unless some dark horse were to be trotted out, who, seizing the auspicious moment, would prove acceptable to all parties. Hendricks had started from 87 on the eighteenth ballot to $107\frac{1}{2}$ on the nineteenth, so his friends were buoyant with hope. Yet it was known that New York had voted for him only to balance the votes of the convention until the rising fortunes of a favorite should appear. Perhaps it would be Chase. Tammany had spoken favorably of him outside of the convention, and the

Pendleton men complained that when California cast one-half a vote for him, which was received with rapturous applause, the enthusiasm proceeded from New York and Tammany wards. On the twentieth ballot Arkansas deserted Hancock, and rushed to Hendricks. Massachusetts asked time, and was passed. Ohio gave English 10. Tennessee, Hancock, 10. Rhode Island clung to Doolittle, who, during all the twenty ballots held his 12 or 13 votes. Ohio retired for fifteen minutes, and the canvass for various candidates continued active throughout the hall. Ohio gave 10 votes to English and 11 to Hancock. The twentieth vote was: Hancock, $142\frac{1}{2}$; Hendricks, 121; English, 16; Doolittle, 12; Blair, 13. Field, 9; Thomas H. Seymour, 2. Whole number, $315\frac{1}{2}$. On the twenty-first ballot, Arkansas gave her five votes to Hendricks, McClellan got one-half a vote from Tennessee, John T. Hoffman, one-half a vote from Kentucky. Massachusetts amid cheers and hisses, gave Chase her four votes, North Carolina nine to Hendricks. The result of the twenty-first ballot was Hancock, $135\frac{1}{2}$, Hendricks, $132\frac{1}{2}$; English, 19; A. Johnson, 5; Doolittle, 12; Field, 8; Chase, 4; McClellan, $\frac{1}{2}$. Whole number, $316\frac{1}{2}$.

"The twenty-second ballot settled matters. Then came the crisis. When Ohio was called, General McCook arose, eulogized Pendleton as 'a young man rising fast into fame,' and cast the twenty-one votes of the State for Horatio Seymour. Mr. Seymour thanked the convention and said: 'Gentlemen, your candidate I can not be.' Vallandigham insisted. Kernan, of New York, cast thirty-three votes for him, and Seymour retired from the chair. Oregon still stuck to Hendricks, Pennsylvania to Hancock, Rhode Island to Doolittle, and South Carolina to Hancock. Tennessee gave Seymour one, Wisconsin gave Seymour eight. Kentucky reconsidered her vote, and cast her entire vote for Seymour, as did Massachusetts. State by State reconsiderations were in order, until Governor Price in the chair announced that the coming man for the Democracy was Seymour.

"The candidates for the Vice-Presidency were numerous, until Kentucky was reached, when she nominated General F. Blair. He was unanimously nominated on the first ballot. Kernan, of New York, introduced a resolution of

thanks to Chase for the able and impartial manner in which he presided over the impeachment trial, and the convention adjourned.

THE GRANT CONVENTION.

"The impeachment trial was just over. On the 20th of May the Republicans assembled at Chicago for their grand pow-wow. The name of General Grant was the only one before the convention. It was a foregone conclusion months before that no other than the hero of Appomattox and Lookout Mountain need apply. Among the delegates were Joseph R. Hawley, afterward Vice-President, and General Pierson, from Connecticut; Black John A. Logan, from Illinois; Henry S. Lane and Ben Claypool, from Indiana; Attorney-General Speed, from Kentucky; Postmaster-General Creswell, from Maryland; George B. Loring, Governor Rice, and Congressman Gooch, from Massachusetts; Senator Howard, from Michigan; Carl Schurz and Thos. C. Fletcher, Governor of Missouri and seizer of the Iron Mountain Railroad; Van Horn, of St. Joseph; Thos. J. Dailey, a criminal lawyer, and D. P. Dwyer, who was Government Attorney in the St. Louis whisky frauds, from St. Louis. New Hampshire sent the trickster, Wm. E. Chandler; New York, Dan Sickles and Lyman Tremain as delegates at large; Moses H. Grinnell, Charles S. Spencer, the Tombs lawyer, C. M. Depew and Frank Hiscock, of divorce case fame, and other lesser lights, as district delegates. Fred Hassaurek and Hon. John A. Bingham, Henry Kessler, and others, came from Ohio. John W. Forney came from the Keystone State; so did John Cessna and Ex-Congressman I. K. Moorhead. Rhode Island sent Governor Van Zandt and William Sprague; Tennessee, William B. Stokes.

"Governor Ward called the convention to order, and nominated Carl Schurz as temporary chairman. The name of Grant whenever mentioned was received with tumultuous applause. Schurz's speech was received with applause. His assertion that we did not know how much we lost by the death of Lincoln until we found the littleness of Johnson, was accepted with enthusiasm, as was that, that the Republican party must go on until justice is secured to the soldiers who fought our battles, to Southern Union men, the colored race, to whom we promised liberty

and justice, to the creditor who staked his credit upon the success of the Government. Charles S. Spencer, of New York, moved that all the unreconstructed States have their names called and delegates admitted to the convention, which passed. On the second day the resolutions were passed, conspicuous for their bold enunciation of the civil and political rights of man, the emphatic denunciation of all kinds of repudiation, real or disguised, and the assertion that the President was justly impeached, but acquitted by nineteen votes. General Logan nominated Grant amid great applause and excitement. During this a scene was shifted at the rear of the stage, representing General Grant stationed on one of the pedestals in front of the White House, on which was inscribed, 'Republican Nominee of the Chicago Convention, May 20, 1868.' The other vacant pedestal was inscribed, 'Democratic Nominee, July 4, 1868.' The Goddess of Liberty stood between the two, with one hand pointing to Grant and the other to the vacant pedestal, and above all were the words, 'Watch Him.' In the height of the excitement, a dove, painted in red, white, and blue, was let loose, and it flew forth and back from the stage over the heads of the assembled people. The scene was dramatic, to say the least.

"Nominations for Vice-President were then in order. Massachusetts nominated Henry Wilson; Brown, of Pennsylvania, Colfax, the Smiler; Ben Wade, and Governor Fenton were nominated. The first ballot was: Wade, 149; Fenton, 132; Wilson, 119; Colfax, 118; Curtin, 52; Hamlin, 28; Speed, 22; and several scattering. A second ballot showed Wade first, Fenton second, Colfax third, Wilson fourth, Curtin fifth, and Hamlin last. The third ballot showed a steady gain for Colfax, while Wade and Fenton varied slightly. On the fourth ballot Pennsylvania dropped Curtin and threw her majority for Ben Wade. On the second ballot four Ohioans went to Colfax, on the third one more, and on the fourth still another. The tug of war was now between Wade and Colfax. Ohio was divided. Colfax's friends appealed to Iowa, and she went solid for the Speaker. That settled it. Pennsylvania, whose politicians are generally on the winning side, through Alex. McClure, started the scramble. Louisiana, Massachu-

setts, and all the rest followed. The final vote was: Colfax, 522; Fenton, 76; Wade, 42; Wilson, 11."

The vote for the Vice-President was on the five ballots:—

	First Ballot.	Second Ballot.	Third Ballot.	Fourth Ballot.	Fifth Ballot.
Schuyler Colfax, of Indiana,	115	145	165	186	541
Benj. F. Wade, of Ohio,	147	170	178	206	38
Reuben E. Fenton, of New York,	126	144	139	144	69
Henry Wilson, of Massachusetts, . . .	119	114	101	87	.....
Andrew G. Curtin, of Pennsylvania, . .	51	45	40	.....	.....
Hannibal Hamlin, of Maine,	28	30	25	25	.....
James Speed, of Kentucky,	22	.....	.....	.....	.....
James Harlan, of Iowa,	16	.....	.....	.....	.....
John A. Creswell, of Maryland,	14	.....	.....	.....	.....
William D. Kelley, of Pennsylvania, . .	4	.....	.....	.....	.....
Samuel C. Pomeroy of Kansas,	6	.....	.....	.....	.....

REPUBLICAN PLATFORM.

"The National Republican party of the United States, assembled in National Convention, in the city of Chicago, on the 20th day of May, 1868, make the following declaration of principles:

"1. We congratulate the country on the assured success of the reconstruction policy of Congress, as evinced by the adoption, in the majority of the States lately in rebellion, of constitutions securing equal civil and political rights to all; and it is the duty of the Government to sustain those constitutions and to prevent the people of such States from being remitted to a state of anarchy.

"2. The guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained, while the question of suffrage in all the loyal States properly belongs to the people of those States.

"3. We denounce all forms of repudiation as a national crime, and the national honor requires the payment of the public indebtedness in the utmost good faith to all creditors at home and abroad, not only according to the letter, but the spirit of the laws under which it was contracted.

"4. It is due to the labor of the nation that taxation should be equalized and reduced as rapidly as the national faith will permit.

"5. The national debt, contracted, as it has been, for the preservation of the Union for all time to come, should be extended over a fair period for redemption; and it is the duty of Congress to reduce the rate of interest thereon whenever it can be honestly done.

"6. That the best policy to diminish our burden of debt is to so improve our credit that capitalists will seek to loan us money at lower rates of interest than we now pay, and must continue to pay, so long as repudiation, partial or total, open or covert, is threatened or suspected.

"7. The Government of the United States should be administered with the strictest economy, and the corruptions which have been so shamefully nursed and fostered by Andrew Johnson call loudly for radical reform.

"8. We profoundly deplore the untimely and tragic death of Abraham Lincoln, and regret the accession of Andrew Johnson to the Presidency, who has acted treacherously to the people who elected him, and the cause he was pledged to support; who has usurped high legislative and judicial functions; who has refused to execute the laws; who has used his high office to induce other officers to ignore and violate the laws; who has employed his executive powers to render insecure the property, the peace, liberty, and life of the citizen; who has abused the pardoning power; who has denounced the National Legislature as unconstitutional; persistently and corruptly resisted, by every measure in his power, every proper attempt at the reconstruction of the States lately in rebellion; who has perverted the public patronage into an engine of wholesale corruption, and who has been justly impeached for high crimes and misdemeanors, and properly pronounced guilty thereof by the vote of thirty-five Senators.

"9. The doctrine of Great Britain and other European powers, that because a man is once a subject he is always so, must be resisted at every hazard by the United States as a relic of the feudal times, not authorized by the law of nations, and at war with our national honor and independence. Naturalized

citizens are entitled to be protected in all their rights of citizenship as though they were native-born; and no citizen of the United States, native or naturalized, must be liable to arrest and imprisonment by any foreign power for acts done or words spoken in this country; and if so arrested and imprisoned, it is the duty of the Government to interfere in his behalf.

“10. Of all who were faithful in the trials of the late war there were none entitled to more especial honor than the brave soldiers and seamen who endured the hardships of campaign and cruise, and imperiled their lives in the service of the country. The bounties and pensions provided by the laws for these brave defenders of the Nation are obligations never to be forgotten. The widows and orphans of the gallant dead are the wards of the people—a sacred legacy bequeathed to the Nation’s protecting care.

“11. Foreign emigration, which in the past has added so much to the wealth, development, and resources, and increase of power to this Nation, the asylum of the oppressed of all nations, should be fostered and encouraged by a liberal and just policy.

“12. This convention declares itself in sympathy with all the oppressed people which are struggling for their rights.”

The following resolutions were also adopted unanimously, and are added to the declaration of principles:—

“*Resolved*, That we highly commend the spirit of magnanimity and forgiveness with which the men who have served in the Rebellion, but now frankly and honestly co-operate with us in restoring the peace of the country and reconstructing the Southern State governments upon the basis of impartial justice and equal rights, are received back into the communion of the loyal people. And we favor the removal of the disqualifications and restrictions placed upon the late rebels in the same measure as the spirit of loyalty will direct, and as may be consistent with the safety of the loyal people.

“*Resolved*, That we recognize the great principles laid down in the immortal Declaration of Independence as the true foundation of democratic government; and we hail with gladness

every effort toward making these principles a living reality on every inch of American soil."

DEMOCRATIC PLATFORM.

"The Democratic party, in National Convention assembled, reposing its trust in the intelligence, patriotism, and discriminating justice of the people, standing upon the Constitution as the foundation and limitation of the powers of the Government, and the guarantee of the liberties of the citizen, and recognizing the questions of slavery and secession as having been settled for all time to come by the war, or the voluntary action of the Southern States in constitutional conventions assembled, and never to be renewed or reagitated, do, with the return of peace, demand:

"*First.* Immediate restoration of all the States to their rights in the Union under the Constitution, and of civil government to the American people.

"*Second.* Amnesty for all past political offenses, and the regulation of the elective franchise in the States by their citizens.

"*Third.* Payment of the public debt of the United States as rapidly as practicable; all moneys drawn from the people by taxation, except so much as is requisite for the necessities of the Government, economically administered, being honestly applied to such payment, and where the obligations of the Government do not expressly state upon their face, or the law under which they were issued does not provide that they shall be paid in coin, they ought, in right and in justice, to be paid in the lawful money of the United States.

"*Fourth.* Equal taxation of every species of property according to its real value, including Government bonds and other public securities.

"*Fifth.* One currency for the Government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bondholder.

"*Sixth.* Economy in the administration of the Government; the reduction of the standing army and navy; the abolition of the Freedmen's Bureau and all political instrumentalities designed to secure negro supremacy; simplification of the system, and discontinuance of inquisitorial modes of assessing and col-

lecting internal revenue, so that the burden of taxation may be equalized and lessened; the credit of the Government and the currency made good; the repeal of all enactments for enrolling the State militia into national forces in time of peace; and a tariff for revenue upon foreign imports, and such equal taxation under the internal revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

“*Seventh.* Reform of abuses in the Administration; the expulsion of corrupt men from office; the abrogation of useless offices; the restoration of rightful authority to, and the independence of, the Executive and judicial departments of the Government; the subordination of the military to the civil power, to the end that the usurpations of Congress and the despotism of the sword may cease.

“*Eighth.* Equal rights and protection for naturalized and native-born citizens at home and abroad; the assertion of American nationality which shall command the respect of foreign powers, and furnish an example and encouragement to people struggling for national integrity, constitutional liberty, and individual rights; and the maintenance of the rights of naturalized citizens against the absolute doctrine of immutable allegiance, and the claims of foreign powers to punish them for alleged crime committed beyond their jurisdiction.

“In demanding these measures and reforms we arraign the Radical party for its disregard of right, and the unparalleled oppression and tyranny which have marked its career.

“After the most solemn and unanimous pledge of both Houses of Congress to prosecute the war exclusively for the maintenance of the Government and the preservation of the Union under the Constitution, it has repeatedly violated that most sacred pledge under which alone was rallied that noble volunteer army which carried our flag to victory. Instead of restoring the Union, it has, so far as in its power, dissolved it, and subjected ten States, in time of profound peace, to military despotism and negro supremacy. It has nullified there the right of trial by jury; it has abolished the *habeas corpus*, that most

sacred writ of liberty; it has overthrown the freedom of speech and the press; it has substituted arbitrary seizures and arrests, and military trials and secret star-chamber inquisitions, for the Constitutional tribunals; it has disregarded, in time of peace, the right of the people to be free from searches and seizures; it has entered the post and telegraph offices, and even the private rooms of individuals, and seized their private papers and letters without any specific charge or notice of affidavit, as required by the organic law; it has converted the American Capitol into a bastille; it has established a system of spies and official espionage to which no constitutional monarchy of Europe would now dare to resort; it has abolished the right of appeal on important Constitutional questions to the supreme judicial tribunals, and threatens to curtail or destroy its original jurisdiction, which is irrevocably vested by the Constitution, while the learned Chief Justice has been subjected to the most atrocious calumnies, merely because he would not prostitute his high office to the support of the false and partisan charges preferred against the President. Its corruption and extravagance have exceeded anything known in history; and by its frauds and monopolies it has nearly doubled the burden of the debt created by the war. It has stripped the President of his Constitutional power of appointment, even of his own Cabinet. Under its repeated assaults the pillars of the Government are rocking on their base; and should it succeed in November next and inaugurate its President, we will meet as a subjected and conquered people amid the ruins of liberty and the scattered fragments of the Constitution.

“And we do declare and resolve that ever since the people of the United States threw off all subjection to the British crown the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated, and controlled exclusively by the political power of each State respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or interfere with its exercise, is a flagrant usurpation of power which can find no warrant in the Constitution; and, if sanctioned by the people, will subvert our form of government, and can only end in a single centralized and consolidated government, in which the separate

existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a Federal Union of coequal States.

“And that we regard the Reconstruction Acts (so called) of Congress, as such, as usurpations and unconstitutional, revolutionary, and void. That our soldiers and sailors, who carried the flag of our country to victory against a most gallant and determined foe, must ever be gratefully remembered, and all the guarantees given in their favor must be faithfully carried into execution.

“That the public lands should be distributed as widely as possible among the people, and should be disposed of either under the pre-emption of homestead lands, or sold in reasonable quantities, and to none but actual occupants, at the minimum price established by the Government. When grants of the public lands may be allowed, necessary for the encouragement of important public improvements, the proceeds of the sale of such lands, and not the lands themselves, should be so applied.

“That the President of the United States, Andrew Johnson, in exercising the power of his high office in resisting the aggressions of Congress upon the Constitutional rights of the States and the people, is entitled to the gratitude of the whole American people, and in behalf of the Democratic party we tender him our thanks for his patriotic efforts in that regard.

“Upon this platform the Democratic party appeal to every patriot, including all the conservative element and all who desire to support the Constitution and restore the Union, forgetting all past differences of opinion, to unite with us in the present great struggle for the liberties of the people; and that to all such, to whatever party they may have heretofore belonged, we extend the right hand of fellowship, and hail all such co-operating with us as friends and brethren.

“*Resolved*, That this convention sympathize cordially with the working-men of the United States in their efforts to protect the rights and interests of the laboring classes of the country.

“*Resolved*, That the thanks of the convention are tendered to Chief Justice Salmon P. Chase, for the justice, dignity, and impartiality with which he presided over the court of impeachment on the trial of President Andrew Johnson.”

The popular vote at this election was 3,015,071 for Grant and Colfax; and 2,709,613 for the Democratic candidates, giving a majority for Grant of 305,458, Florida choosing electors by the Legislature, and Mississippi, Virginia, and Texas not voting at all, owing to their failure to conform to the reconstruction measures of Congress.

On the 10th of February, 1869, the two branches of Congress met in joint session in the hall of the House, and opened and counted the electoral votes in the usual way, the presiding officer announcing the result as follows:—

“The tellers report that the whole number of votes cast for President and Vice-President of the United States, including the votes of the State of Georgia, is 294, of which the majority is 148; excluding the votes of the State of Georgia it is 285, of which the majority is 143. The result of the vote, as reported by the tellers, for President of the United States, including the State of Georgia, is—for Ulysses S. Grant, of Illinois, 214 votes; for Horatio Seymour, of New York, 80 votes. Excluding the State of Georgia, the result of the vote is—for Ulysses S. Grant, of Illinois, 214 votes; for Horatio Seymour, of New York, 71 votes. The result of the vote, as reported by the tellers, for Vice-President of the United States, including the State of Georgia, is—for Schuyler Colfax, of Indiana, 214 votes; and for Francis P. Blair, of Missouri, 80 votes. Excluding the State of Georgia, the result of the vote is—for Schuyler Colfax, of Indiana, 214 votes; and for Francis P. Blair, of Missouri, 71 votes.

“Wherefore, in either case, whether the votes of the State of Georgia, be included or excluded, I do declare that Ulysses S. Grant, of the State of Illinois, having received a majority of the whole number of electoral votes,

is duly elected President of the United States for four years, commencing on the 4th day of March, 1869; and that Schuyler Colfax of the State of Indiana, having received a majority of the whole number of electoral votes for Vice-President of the United States, is duly elected Vice-President of the United States for four years, commencing on the 4th day of March, 1869."

The States voting for Seymour and Blair were New York, New Jersey, Delaware, Maryland, Georgia, Louisiana, Kentucky, and Oregon. Both before and after the joint meeting of the two Houses there was considerable debate and quarreling over the admission of the votes of Louisiana and Georgia, and subsequently an effort was made, without effect, to censure Mr. Wade for deciding according to the purpose of the Senate, in favor of recognizing the vote of Georgia in the usual form for such cases.

On the 7th of December Congress again assembled (last or "Third session of the Fortieth Congress"), and the only change of officers was in the Senate where George G. Gorham, of California, had taken the place of Mr. Forney as Clerk.

PRESIDENT JOHNSON'S LAST ANNUAL MESSAGE.

FELLOW-CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:—

Upon the reassembling of Congress, it again becomes my duty to call your attention to the state of the Union, and to its continued disorganized condition under the various laws which have been passed upon the subject of reconstruction.

It may be safely assumed, as an axiom in the government of States, that the greatest wrongs inflicted upon a people are caused by unjust and arbitrary legislation, or by the unrelenting decrees of despotic rulers, and that the timely revocation of injurious and oppressive measures is the greatest good that

can be conferred upon a nation. The legislator or ruler who has the wisdom and magnanimity to retrace his steps, when convinced of error, will sooner or later be rewarded with the respect and gratitude of an intelligent and patriotic people.

Our own history, although embracing a period less than a century, affords abundant proof that most if not all of our domestic troubles are directly traceable to violations of the organic law and excessive legislation. The most striking illustrations of this fact are furnished by the enactments of the past three years upon the question of reconstruction. After a fair trial they have substantially failed and proved pernicious in their results, and there seems to be no good reason why they should longer remain upon the statute-book. States to which the Constitution guarantees a republican form of government have been reduced to military dependencies, in each of which the people have been made subject to the arbitrary will of the commanding general. Although the Constitution requires that each State shall be represented in Congress, Virginia, Mississippi, and Texas are yet excluded from the two Houses, and, contrary to the express provisions of that instrument, were denied participation in the recent election for a President and Vice-President of the United States. The attempt to place the white population under the domination of persons of color in the South has impaired, if not destroyed, the kindly relations that had previously existed between them; and mutual distrust has engendered a feeling of animosity which, leading in some instances to collision and bloodshed, has prevented that co-operation between the two races so essential to the success of industrial enterprise in the Southern States. Nor have the inhabitants of those States alone suffered from the disturbed condition of affairs growing out of these Congressional enactments. The entire Union has been agitated by grave apprehensions of troubles which might again involve the peace of the Nation; its interests have been injuriously affected by the derangement of business and labor, and the consequent want of prosperity throughout that portion of the country.

The Federal Constitution—the *Magna Charta* of American rights, under whose wise and salutary provisions we have successfully conducted all our domestic and foreign affairs, sustained

ourselves in peace and in war, and become a great nation among the powers of the earth—must assuredly be now adequate to the settlement of questions growing out of the civil war waged alone for its vindication. This great fact is made most manifest by the condition of the country when Congress assembled in the month of December, 1865. Civil strife had ceased; the spirit of rebellion had spent its entire force; in the Southern States the people had warmed into national life, and throughout the whole country a healthy reaction in public sentiment had taken place. By the application of the simple yet effective provisions of the Constitution, the Executive Department, with the voluntary aid of the States, had brought the work of restoration as near completion as was within the scope of its authority, and the Nation was encouraged by the prospect of an early and satisfactory adjustment of all its difficulties. Congress, however, intervened, and refusing to perfect the work so nearly consummated, declined to admit members from the unrepresented States, adopted a series of measures which arrested the progress of restoration, frustrated all that had been so successfully accomplished, and, after three years of agitation and strife, has left the country further from the attainment of union and fraternal feeling than at the inception of the Congressional plan of reconstruction. It needs no argument to show that legislation which has produced such baneful consequences should be abrogated, or else made to conform to the genuine principles of republican government.

Under the influence of party passion and sectional prejudice, other acts have been passed not warranted by the Constitution. Congress has already been made familiar with my views respecting the "Tenure of Office Bill." Experience has proved that its repeal is demanded by the best interests of the country, and that while it remains in force the President can not enjoin that rigid accountability of public officers so essential to an honest and efficient execution of the laws. Its revocation would enable the Executive Department to exercise the power of appointment and removal in accordance with the original design of the Federal Constitution.

The act of March 2, 1867, making appropriations for the support of the army for the year ending June 30, 1868, and

for other purposes, contains provisions which interfere with the President's Constitutional functions as commander-in-chief of the army, and deny to States of the Union the right to protect themselves by means of their own militia. These provisions should be at once annulled; for while the first might, in times of great emergency, seriously embarrass the Executive in efforts to employ and direct the common strength of the Nation for its protection and preservation, the other is contrary to the express declaration of the Constitution, that "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

It is believed that the repeal of all such laws would be accepted by the American people as at least a partial return to the fundamental principles of the Government, and an indication that hereafter the Constitution is to be made the Nation's safe and unerring guide. They can be productive of no permanent benefit to the country, and should not be permitted to stand as so many monuments of the deficient wisdom which has characterized our recent legislation.

The condition of our finances demands the early and earnest consideration of Congress. Compared with the growth of our population, the public expenditures have reached an amount unprecedented in our history.

The population of the United States in 1790 was nearly four millions of people. Increasing each decade about thirty-three per cent, it reached, in 1860, thirty-one millions, an increase of seven hundred per cent on the population in 1790. In 1869 it is estimated that it will reach thirty-eight millions, or an increase of eight hundred and sixty-eight per cent in seventy-nine years.

The annual expenditures of the Federal Government in 1791 were four million two hundred thousand dollars; in 1820, eighteen million two hundred thousand dollars; in 1850, forty-one millions; in 1860, sixty-three millions; in 1865, nearly thirteen hundred millions; and in 1869 it is estimated by the Secretary of the Treasury, in his last annual report, that they will be three hundred and seventy-two millions.

By comparing the public disbursements of 1869, as estimated, with those of 1791, it will be seen that the increase of

expenditure since the beginning of the Government has been eight thousand six hundred and eighteen per centum, while the increase of the population for the same period was only eight hundred and sixty-eight per centum. Again, the expenses of the Government in 1860, the year of peace immediately preceding the war, were only sixty-three millions; while in 1869, the year of peace three years after the war, it is estimated they will be three hundred and seventy-two millions, an increase of four hundred and eighty-nine per centum, while the increase of population was only twenty-one per centum for the same period.

These statistics further show that in 1791 the annual national expenses, compared with the population, were little more than one dollar per capita, and in 1860 but two dollars per capita; while in 1869 they will reach the extravagant sum of nine dollars and seventy-eight cents per capita.

It will be observed that all these statements refer to and exhibit the disbursements of peace periods. It may, therefore, be of interest to compare the expenditures of the three war periods—the War with Great Britain, the Mexican War, and the War of the Rebellion.

In 1814 the annual expenses incident to the War of 1812 reached their highest amount, about thirty-one millions; while our population slightly exceeded eight millions, showing an expenditure of only three dollars and eighty cents per capita. In 1847 the expenditures growing out of the War with Mexico reached fifty-five millions, and the population about twenty-one millions, giving only two dollars and sixty cents per capita for the war expenses of that year. In 1865 the expenditures called for by the Rebellion reached the vast amount of twelve hundred and ninety millions, which, compared with a population of thirty-four millions, gives thirty-eight dollars and twenty cents per capita.

From the 4th day of March, 1789, to the 30th of June, 1861, the entire expenditures of the Government were seventeen hundred millions of dollars. During that period we were engaged in wars with Great Britain and Mexico, and were involved in hostilities with powerful Indian tribes; Louisiana was purchased from France at a cost of fifteen millions of dollars;

Florida was ceded to us by Spain for five millions; California was acquired from Mexico for fifteen millions, and the Territory of New Mexico was obtained from Texas for the sum of ten millions. Early in 1861 the War of the Rebellion commenced; and from the 1st of July of that year to the 30th of June, 1865, the public expenditures reached the enormous aggregate of thirty-three hundred millions. Three years of peace have intervened, and during that time the disbursements of the Government have successively been five hundred and twenty millions, three hundred and forty-six millions, and three hundred and ninety-three millions. Adding to these amounts three hundred and seventy-two millions, estimated as necessary for the fiscal year ending the 30th of June, 1869, we obtain a total expenditure of sixteen hundred millions of dollars during the four years immediately succeeding the war, or nearly as much as was expended during the seventy-two years that preceded the Rebellion, and embraced the extraordinary expenditures already named.

These startling facts clearly illustrate the necessity of retrenchment in all branches of the public service. Abuses which were tolerated during the war for the preservation of the Nation will not be endured by the people, now that profound peace prevails. The receipts from internal revenues and customs have, during the past three years, gradually diminished, and the continuance of useless and extravagant expenditures will involve us in national bankruptcy, or else make inevitable an increase of taxes, already too onerous and in many respects obnoxious on account of their inquisitorial character. One hundred millions annually are expended for the military force, a large portion of which is employed in the execution of laws both unnecessary and unconstitutional; one hundred and fifty millions are required each year to pay the interest on the public debt; an army of tax-gatherers impoverishes the Nation; and public agents, placed by Congress beyond the control of the Executive, divert from their legitimate purposes large sums of money which they collect from the people in the name of the Government. Judicious legislation and prudent economy can alone remedy defects and avert evils which, if suffered to exist, can not fail to diminish confidence

in the public councils, and weaken the attachment and respect of the people towards their political institutions. Without proper care the small balance which it is estimated will remain in the treasury at the close of the present fiscal year will not be realized, and additional millions be added to a debt which is now enumerated by billions.

It is shown, by the able and comprehensive report of the Secretary of the Treasury, that the receipts for the fiscal year ending June 30, 1868, were \$405,638,083, and that the expenditures for the same period were \$377,340,284, leaving in the treasury a surplus of \$28,297,798. It is estimated that the receipts during the present fiscal year ending June 30, 1869, will be \$341,392,868, and the expenditures \$336,152,470, showing a small balance of \$5,240,398 in favor of the Government. For the fiscal year ending June 30, 1870, it is estimated that the receipts will amount to \$327,000,000, and the expenditures to \$303,000,000, leaving an estimated surplus of \$24,000,000.

It becomes proper, in this connection, to make a brief reference to our public indebtedness, which has accumulated with such alarming rapidity and assumed such colossal proportions.

In 1789, when the Government commenced operations under the Federal Constitution, it was burdened with an indebtedness of \$75,000,000, created during the War of the Revolution. This amount had been reduced to \$45,000,000, when, in 1812, war was declared against Great Britain. The three years' struggle that followed largely increased the national obligations, and in 1816 they had attained the sum of \$127,000,000. Wise and economical legislation, however, enabled the Government to pay the entire amount within a period of twenty years, and the extinguishment of the national debt filled the land with rejoicing, and was one of the great events of President Jackson's Administration. After its redemption a large fund remained in the treasury, which was deposited for safe-keeping with the several States, on condition that it should be returned when required by the public wants. In 1849, the year after the termination of an expensive war with Mexico, we found ourselves involved in a debt of \$64,000,000; and this was the amount owed by the Government in 1860, just

prior to the outbreak of the Rebellion. In the spring of 1861 our civil war commenced. Each year of its continuance made an enormous addition to the debt; and when, in the spring of 1865, the Nation successfully emerged from the conflict, the obligations of the Government had reached the immense sum of \$2,873,992,909. The Secretary of the Treasury shows that on the 1st day of November, 1867, this amount had been reduced to \$2,491,504,450; but at the same time his report exhibits an increase during the past year of \$35,625,102; for the debt on the 1st day of November last is stated to have been \$2,527,129,552. It is estimated by the Secretary that the returns for the past month will add to our liabilities the further sum of \$11,000,000, making a total increase during thirteen months of \$46,500,000.

In my message to Congress December 4, 1865, it was suggested that a policy should be devised which, without being oppressive to the people, would at once begin to effect a reduction of the debt, and, if persisted in, discharge it fully within a definite number of years. The Secretary of the Treasury forcibly recommends legislation of this character, and justly urges that the longer it is deferred the more difficult must become its accomplishment. We should follow the wise precedents established in 1789 and 1816, and without further delay make provision for the payment of our obligations at as early a period as may be practicable. The fruits of their labors should be enjoyed by our citizens, rather than used to build up and sustain moneyed monopolies in our own and other lands. Our foreign debt is already computed by the Secretary of the Treasury at \$850,000,000. Citizens of foreign countries receive interest upon a large portion of our securities, and American tax-payers are made to contribute large sums for their support. The idea that such a debt is to become permanent should be at all times discarded as involving taxation too heavy to be borne, and payment once in every sixteen years, at the present rate of interest, of an amount equal to the original sum. This vast debt, if permitted to become permanent and increasing, must eventually be gathered into the hands of a few, and enable them to exert a dangerous and controlling power in the affairs of the Government. The borrowers would

become servants to the lenders; the lenders the masters of the people. We now pride ourselves upon having given freedom to four millions of the colored race; it will then be our shame that forty millions of people, by their own toleration of usurpation and profligacy, have suffered themselves to become enslaved, and merely exchanged slave-owners for new taskmasters in the shape of bondholders and tax-gatherers. Besides, permanent debts pertain to monarchical governments; and, tending to monopolies, perpetuities, and class legislation, are totally irreconcilable with free institutions. Introduced into our republican system, they would gradually but surely sap its foundations, eventually subvert our governmental fabric, and erect upon its ruins a moneyed aristocracy. It is our sacred duty to transmit unimpaired to our posterity the blessings of liberty which were bequeathed to us by the founders of the Republic, and by our example teach those who are to follow us carefully to avoid the dangers which threaten a free and independent people.

Various plans have been proposed for the payment of the public debt. However they may have varied as to the time and mode in which it should be redeemed, there seems to be a general concurrence as to the propriety and justness of a reduction in the present rate of interest. The Secretary of the Treasury in his report recommends five per cent; Congress, in a bill passed prior to adjournment on the 27th of July last, agreed upon four and four and a half per cent; while by many three per cent has been held to be an amply sufficient return for the investment. The general impression as to the exorbitancy of the existing rate of interest has led to an inquiry in the public mind respecting the consideration which the Government has actually received for its bonds, and the conclusion is becoming prevalent that the amount which it obtained was in real money three or four hundred per cent less than the obligations which it issued in return. It can not be denied that we are paying an extravagant percentage for the use of the money borrowed, which was paper currency, greatly depreciated below the value of coin. This fact is made apparent when we consider that bondholders receive from the treasury, upon each dollar they own in Government securities, six per cent in gold, which is nearly or quite equal to nine per cent in currency; that the

bonds are then converted into capital for the national banks, upon which those institutions issue their circulation, bearing six per cent interest; and that they are exempt from taxation by the Government and the States, and thereby enhanced two per cent in the hands of the holders. We thus have an aggregate of seventeen per cent which may be received upon each dollar by the owners of Government securities. A system that produces such results is justly regarded as favoring a few at the expense of the many, and has led to the further inquiry whether our bondholders, in view of the large profits which they have enjoyed, would themselves be averse to a settlement of our indebtedness upon a plan which would yield them a fair remuneration, and at the same time be just to the tax-payers of the Nation. Our national credit should be sacredly observed; but in making provision for our creditors we should not forget what is due to the masses of the people. It may be assumed that the holders of our securities have already received upon their bonds a larger amount than their original investment, measured by a gold standard. Upon this statement of facts it would seem but just and equitable that the six per cent interest now paid by the Government should be applied to the reduction of the principal in semi-annual installments, which in sixteen years and eight months would liquidate the entire national debt. Six per cent in gold would, at present rates, be equal to nine per cent in currency, and equivalent to the payment of the debt one and a half times in a fraction less than seventeen years. This, in connection with all the other advantages derived from their investment, would afford to the public creditors a fair and liberal compensation for the use of their capital, and with this they should be satisfied. The lessons of the past admonish the lender that it is not well to be over-anxious in exacting from the borrower rigid compliance with the letter of the bond.

If provision be made for the payment of the indebtedness of the Government in the manner suggested, our Nation will rapidly recover its wonted prosperity. Its interests require that some measure should be taken to release the large amount of capital invested in the securities of the Government. It is not now merely unproductive, but in taxation annually consumes one

hundred and fifty millions of dollars, which would otherwise be used by our enterprising people in adding to the wealth of the nation. Our commerce, which at one time successfully rivaled that of the great maritime powers, has rapidly diminished, and our industrial interests are in a depressed and languishing condition. The development of our inexhaustible resources is checked, and the fertile fields of the South are becoming waste for want of means to till them. With the release of capital, new life would be infused into the paralyzed energies of our people, and activity and vigor imparted to every branch of industry. Our people need encouragement in their efforts to recover from the effects of the Rebellion and of injudicious legislation; and it should be the aim of the Government to stimulate them by the prospect of an early release from the burdens which impede their prosperity. If we can not take the burdens from their shoulders, we should at least manifest a willingness to help to bear them.

In referring to the condition of the circulating medium, I shall merely reiterate, substantially, that portion of my last annual message which relates to that subject.

The proportion which the currency of any country should bear to the whole value of the annual produce circulated by its means is a question upon which political economists have not agreed. Nor can it be controlled by legislation, but must be left to the irrevocable laws which everywhere regulate commerce and trade. The circulating medium will ever irresistibly flow to those points where it is in greatest demand. The law of demand and supply is as unerring as that which regulates the tides of the ocean; and indeed currency, like the tides, has its ebbs and flows throughout the commercial world.

At the beginning of the Rebellion the bank-note circulation of the country amounted to not much more than two hundred millions of dollars; now the circulation of national bank-notes and those known as "legal tenders" is nearly seven hundred millions. While it is urged by some that this amount should be increased, others contend that a decided reduction is absolutely essential to the best interests of the country. In view of these diverse opinions, it may be well to ascertain the real value of our paper issues, when compared with a metallic or con-

vertible currency. For this purpose, let us inquire how much gold and silver could be purchased by the seven hundred millions of paper money now in circulation. Probably not more than half the amount of the latter—showing that when our paper currency is compared with gold and silver its commercial value is compressed into three hundred and fifty millions. This striking fact makes it the obvious duty of the Government, as early as may be consistent with the principles of sound political economy, to take such measures as will enable the holders of its notes and those of the national banks to convert them, without loss, into specie or its equivalent. A reduction of our paper circulating medium need not necessarily follow. This, however, would depend upon the law of demand and supply, though it should be borne in mind that by making legal-tender and bank notes convertible into coin or its equivalent, their present specie value in the hands of their holders would be enhanced one hundred per cent.

Legislation for the accomplishment of a result so desirable is demanded by the highest public considerations. The Constitution contemplates that the circulating medium of the country shall be uniform in quality and value. At the time of the formation of that instrument the country had just emerged from the War of the Revolution, and was suffering from the effects of a redundant and worthless paper currency. The sages of that period were anxious to protect their posterity from the evils which they themselves had experienced. Hence, in providing a circulating medium, they conferred upon Congress the power to coin money and regulate the value thereof, at the same time prohibiting the States from making any thing but gold and silver a tender in payment of debts.

The anomalous condition of our currency is in striking contrast with that which was originally designed. Our circulation now embraces, first, notes of the national banks, which are made receivable for all dues to the Government, excluding imposts, and by all its creditors, excepting in payment of interest upon its bonds and the securities themselves; second, legal-tender, issued by the United States, and which the law requires shall be received, as well in payment of all debts between citizens as of all Government dues, excepting imposts; and,

third, gold and silver coin. By the operation of our present system of finance, however, the metallic currency, when collected, is reserved only for one class of Government creditors, who, holding its bonds, semi-annually receive their interest in coin from the national treasury. There is no reason, which will be accepted as satisfactory by the people, why those who defend us on the land and protect us on the sea; the pensioner upon the gratitude of the Nation, bearing the scars and wounds received while in its service; the public servants in the various departments of the Government; the farmer who supplies the soldiers of the army and the sailors of the navy; the artisan who toils in the Nation's workshops, or the mechanics and laborers who build its edifices and construct its forts and vessels of war—should, in payment of their just and hard-earned dues, receive depreciated paper, while another class of their countrymen, no more deserving, are paid in coin of gold and silver. Equal and exact justice requires that all the creditors of the Government should be paid in a currency possessing a uniform value. This can only be accomplished by the restoration of the currency to the standard established by the Constitution; and by this means we would remove a discrimination which may, if it has not already done so, create a prejudice that may become deep-rooted and wide-spread, and imperil the national credit.

The feasibility of making our currency correspond with the Constitutional standard may be seen by reference to a few facts derived from our commercial statistics.

The aggregate product of precious metals in the United States from 1849 to 1867 amounted to \$1,174,000,000, while, for the same period, the net exports of specie were \$741,000,000. This shows an excess of product over net exports of \$433,000,000. There are in the treasury \$103,407,985 in coin; in circulation in the States on the Pacific coast about \$40,000,000, and a few millions in the national and other banks—in all less than \$160,000,000. Taking into consideration the specie in the country prior to 1849, and that produced since 1867, and we have more than \$300,000,000 not accounted for by exportation or by returns of the Treasury, and therefore most probably remaining in the country.

These are important facts, and show how completely the

inferior currency will supersede the better, forcing it from circulation among the masses, and causing it to be exported as a mere article of trade, to add to the money capital of foreign lands. They show the necessity of retiring our paper money; that the return of gold and silver to the avenues of trade may be invited, and a demand created which will cause the retention at home of at least so much of the productions of our rich and inexhaustible gold-bearing fields as may be sufficient for purposes of circulation. It is unreasonable to expect a return to a sound currency so long as the government and banks, by continuing to issue irredeemable notes, fill the channels of circulation with depreciated paper. Notwithstanding a coinage by our mints, since 1849, of eight hundred and seventy-four millions of dollars, the people are now strangers to the currency which was designed for their use and benefit, and specimens of the precious metals bearing the national device are seldom seen, except when produced to gratify the interest excited by their novelty. If depreciated paper is to be continued as the permanent currency of the country, and all our coin is to become a mere article of traffic and speculation, to the enhancement in price of all that is indispensable to the comfort of the people, it would be wise economy to abolish our mints, thus saving the Nation the care and expense incident to such establishments, and let our precious metals be exported in bullion. The time has come, however, when the Government and national banks should be required to take the most efficient steps and make all necessary arrangements for a resumption of specie payments. Let specie payments once be earnestly inaugurated by the Government and banks, and the value of the paper circulation would directly approximate a specie standard.

Specie payments having been resumed by the Government and banks, all notes or bills of paper issued by either of a less denomination than twenty dollars should by law be excluded from circulation, so that the people may have the benefit and convenience of a gold and silver currency which in all their business transactions will be uniform in value at home and abroad.

“Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he

can honestly earn, has a direct interest in maintaining a safe circulating medium; such a medium as shall be real and substantial, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but to be made stable and secure. A disordered currency is one of the greatest political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness; it wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation." It has been asserted by one of our profound and most gifted statesmen, that "of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community compared with fraudulent currency and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency authorized by law or in any way countenanced by government." It is one of the most successful devices, in times of peace or war, of expansions or revulsions, to accomplish the transfer of all the precious metals from the great mass of the people into the hands of the few, where they are hoarded in secret places or deposited under bolts and bars, while the people are left to endure all the inconvenience, sacrifice, and demoralization resulting from the use of depreciated and worthless paper.

The Secretary of the Interior in his report gives valuable information in reference to the interests confided to the supervision of his Department, and reviews the operations of the Land-office, Pension-office, Patent-office, and Indian Bureau.

During the fiscal year ending June 30, 1868, six million six hundred and fifty-five thousand and seven hundred acres of public land were disposed of. The entire cash receipts of the General Land-office for the same period were \$1,632,745, being greater by \$284,883 than the amount realized from the same sources

during the previous year. The entries under the Homestead Law cover two million three hundred and twenty-eight thousand nine hundred and twenty-three acres, nearly one-fourth of which was taken under the act of June 21, 1866, which applies only to the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

On the 30th of June, 1868, one hundred and sixty-nine thousand six hundred and forty-three names were borne on the pension-rolls, and during the year ending on that day the total amount paid for pensions, including the expenses of disbursement, was \$24,010,982, being \$5,391,025 greater than that expended for like purposes during the preceding year.

During the year ending the 30th of September last, the expenses of the Patent-office exceeded the receipts by one hundred and seventy-one dollars; and, including reissues and designs, fourteen thousand one hundred and fifty-three patents were issued.

Treaties with various Indian tribes have been concluded, and will be submitted to the Senate for its Constitutional action. I cordially sanction the stipulations which provide for reserving lands for the various tribes, where they may be encouraged to abandon their nomadic habits and engage in agricultural and industrial pursuits. This policy, inaugurated many years since, has met with signal success, whenever it has been pursued in good faith and with becoming liberality by the United States. The necessity for extending it as far as practicable in our relations with the aboriginal population is greater now than at any preceding period. Whilst we furnish subsistence and instruction to the Indians, and guarantee the undisturbed enjoyment of their treaty rights, we should habitually insist upon the faithful observance of their agreement to remain within their respective reservations. This is the only mode by which collisions with other tribes and with the whites can be avoided, and the safety of our frontier settlements secured.

The companies constructing the railway from Omaha to Sacramento have been most energetically engaged in prosecuting the work, and it is believed that the line will be completed before the expiration of the next fiscal year. The six per cent bonds issued to these companies amounted, on the 5th instant,

to \$44,337,060, and additional work had been performed to the extent of \$3,200,000.

The Secretary of the Interior, in August last, invited my attention to the report of a government director of the Union Pacific Railroad Company, who had been specially instructed to examine the location, construction, and equipment of their road. I submitted for the opinion of the Attorney-General certain questions in regard to the authority of the Executive which arose upon this report, and those which had from time to time been presented by the commissioners appointed to inspect each successive section of the work. After carefully considering the law of the case, he affirmed the right of the Executive to order, if necessary, a thorough revision of the entire road. Commissioners were thereupon appointed to examine this and other lines, and have recently submitted a statement of their investigations, of which the report of the Secretary of the Interior furnishes specific information.

The report of the Secretary of War contains information of interest and importance respecting the several bureaus of the War Department and the operations of the army. The strength of our military force on the 30th of September last was forty-eight thousand men, and it is computed that, by the 1st of January next, this number will be decreased to forty-three thousand. It is the opinion of the Secretary of War that within the next year a considerable diminution of the infantry force may be made without detriment to the interests of the country; and in view of the great expense attending the military peace establishment, and the absolute necessity of retrenchment wherever it can be applied, it is hoped that Congress will sanction the reduction which his report recommends. While in 1860 sixteen thousand three hundred men cost the Nation \$16,472,000, the sum of \$65,682,000 is estimated as necessary for the support of the army during the fiscal year ending June 30, 1870. The estimates of the War Department for the last two fiscal years were, for 1867, \$33,814,461, and for 1868, \$25,205,669. The actual expenditures during the same periods were, respectively, \$95,224,415 and \$123,246,648. The estimate submitted in December last for the fiscal year ending June 30, 1869, was \$77,124,707; the expenditures for the first

quarter ending the 30th of September last, were \$27,219,117, and the Secretary of the Treasury gives \$66,000,000 as the amount which will probably be required during the remaining three quarters, if there should be no reduction of the army, making its aggregate cost for the year considerably in excess of ninety-three millions. The difference between the estimates and expenditures for the three fiscal years which have been named is thus shown to be \$175,545,343 for this single branch of the public service.

The report of the Secretary of the Navy exhibits the operations of that department of the navy during the year. A considerable reduction of the force has been effected. There are forty-two vessels, carrying four hundred and eleven guns, in the six squadrons which are established in the different parts of the world. Three of these vessels are returning to the United States and four are used as store-ships, leaving the actual cruising force thirty-five vessels, carrying three hundred and fifty-six guns. The total number of vessels in the navy is two hundred and six, mounting seventeen hundred and forty-three guns. Eighty-one vessels of every description are in use, armed with six hundred and ninety-six guns. The number of enlisted men in the service, including apprentices, has been reduced to eight thousand five hundred. An increase of navy-yard facilities is recommended as a measure which will, in the event of war, be promotive of economy and security. A more thorough and systematic survey of the North Pacific Ocean is advised in view of our expanding commerce and the increasing intercourse between the Pacific States and Asia. The naval pension fund, which consists of a moiety of the avails of prizes captured during the war, amounts to \$14,000,000. Exception is taken to the act of 23d July last, which reduces the interest on the fund loaned to the Government by the Secretary, as trustee, to three per cent instead of six per cent, which was originally stipulated when the investment was made. An amendment of the pension laws is suggested to remedy omissions and defects in existing enactments. The expenditures of the Department during the last fiscal year were \$20,120,394, and the estimates for the coming year amount to \$20,993,414.

The Postmaster-General's report furnishes a full and clear

exhibit of the operations and condition of the postal service. The ordinary postal revenue for the fiscal year ending June 30, 1868, was \$16,292,600, and the total expenditures, embracing all the service for which special appropriations have been made by Congress, amounted to \$22,730,592, showing an excess of expenditures of \$6,437,991. Deducting from the expenditures the sum of \$1,896,525, the amount of appropriations for ocean steamship and other special service, the excess of expenditures was \$4,541,466. By using an unexpended balance in the treasury of \$3,800,000, the actual sum for which a special appropriation is required to meet the deficiency is \$741,466. The causes which produced this large excess of expenditure over revenue were the restoration of service in the late insurgent States, and the putting into operation of new service established by acts of Congress, which amounted, within the last two years and a half, to about 48,700 miles, equal to more than one-third of the whole amount of the service at the close of the war. New postal conventions with Great Britain, North Germany, Belgium, the Netherlands, Switzerland, and Italy, respectively, have been carried into effect. Under their provisions important improvements have resulted in reduced rates of international postage, and enlarged mail facilities with European countries. The cost of the United States trans-Atlantic Ocean mail service since January 1, 1868, has been largely lessened under the operation of these new conventions, a reduction of over one-half having been effected under the new arrangements for ocean mail steamship service which went into effect on that date. The attention of Congress is invited to the practical suggestions and recommendations made in his report by the Postmaster-General.

No important question has occurred during the last year in our accustomed cordial and friendly intercourse with Costa Rica, Guatemala, Honduras, San Salvador, France, Austria, Belgium, Switzerland, Portugal, the Netherlands, Denmark, Sweden and Norway, Rome, Greece, Turkey, Persia, Egypt, Liberia, Morocco, Tripoli, Tunis, Muscat, Siam, Borneo, and Madagascar.

Cordial relations have also been maintained with the Argentine and the Oriental Republics. The expressed wish of Congress that our national good offices might be tendered to those

republics, and also to Brazil and Paraguay, for bringing to an end the calamitous war which has so long been raging in the valley of the La Plata, has been assiduously complied with, and kindly acknowledged by all the belligerents. That important negotiation, however, has thus far been without result.

Charles A. Washburn, late United States Minister to Paraguay, having resigned, and being desirous to return to the United States, the rear-admiral commanding the South Atlantic squadron was early directed to send a ship of war to Asuncion, the capital of Paraguay, to receive Mr. Washburn and his family, and remove them from a situation which was represented to be endangered by faction and foreign war. The Brazilian commander of the allied invading forces refused permission to the *Wasp* to pass through the blockading forces, and that vessel returned to its accustomed anchorage. Remonstrance having been made against this refusal, it was promptly overruled, and the *Wasp* therefore resumed her errand, received Mr. Washburn and his family and conveyed them to a safe and convenient sea-port. In the meantime an exciting controversy had arisen between the President of Paraguay and the late United States Minister, which, it is understood, grew out of his proceedings in giving asylum in the United States legation to alleged enemies of that Republic. The question of the right to give asylum is one always difficult, and often productive of great embarrassment. In States well organized and established, foreign powers refuse either to concede or exercise that right, except as to persons actually belonging to the diplomatic service. On the other hand, all such powers insist upon exercising the right of asylum in States where the law of nations is not fully acknowledged, respected, and obeyed.

The President of Paraguay is understood to have opposed to Mr. Washburn's proceedings the injurious and very improbable charge of personal complicity in insurrection and treason. The correspondence, however, has not yet reached the United States.

Mr. Washburn, in connection with this controversy, represents that two United States citizens attached to the legation were arbitrarily seized at his side, when leaving the capital of Paraguay, committed to prison, and there subjected to torture

for the purpose of procuring confessions of their own criminality, and testimony to support the President's allegations against the United States Minister. Mr. McMahon, the newly appointed Minister to Paraguay, having reached the La Plata, has been instructed to proceed, without delay, to Asuncion, there to investigate the whole subject. The Rear-Admiral commanding the United States South Atlantic squadron has been directed to attend the new Minister with a proper naval force to sustain such just demands as the occasion may require, and to vindicate the rights of the United States citizens referred to, and of any others who may be exposed to danger in the theater of war. With these exceptions, friendly relations have been maintained between the United States and Brazil and Paraguay.

Our relations during the past year with Bolivia, Ecuador, Peru, and Chili, have become especially friendly and cordial. Spain and the republics of Peru, Bolivia, and Ecuador, have expressed their willingness to accept the mediation of the United States for terminating the war upon the South Pacific coast. Chili has not finally declared upon the question. In the meantime the conflict has practically exhausted itself, since no belligerent or hostile movement has been made by either party during the last two years, and there are no indications of a present purpose to resume hostilities on either side. Great Britain and France have cordially seconded our proposition of mediation, and I do not forego the hope that it may soon be accepted by all the belligerents, and lead to a secure establishment of peace and friendly relations between the Spanish-American republics of the Pacific and Spain, a result which would be attended with common benefits to the belligerents and much advantage to all commercial nations. I communicate, for the consideration of Congress, a correspondence which shows that the Bolivian Republic has established the extremely liberal principle of receiving into its citizenship any citizen of the United States, or of any other of the American republics, upon the simple condition of voluntary registry.

The correspondence herewith submitted will be found painfully replete with accounts of the ruin and wretchedness produced by recent earthquakes, of unparalleled severity, in the

republics of Peru, Ecuador, and Bolivia. The diplomatic agents and naval officers of the United States who were present in those countries at the time of those disasters furnished all the relief in their power to the sufferers, and were promptly rewarded with grateful and touching acknowledgments by the Congress of Peru. An appeal to the charity of our fellow-citizens has been answered by much liberality. In this connection I submit an appeal which has been made by the Swiss Republic, whose government and institutions are kindred to our own, in behalf of its inhabitants, who are suffering extreme destitution produced by recent devastating inundations.

Our relations with Mexico during the year have been marked by an increasing growth of mutual confidence. The Mexican government has not yet acted upon the three treaties celebrated here last summer for establishing the rights of naturalized citizens upon a liberal and just basis, for regulating consular powers, and for the adjustment of mutual claims.

All commercial nations, as well as all friends of republican institutions, have occasion to regret the frequent local disturbances which occur in some of the constituent States of Colombia. Nothing has occurred, however, to affect the harmony and cordial friendship which have for several years existed between that youthful and vigorous Republic and our own.

Negotiations are pending with a view to the survey and construction of a ship-canal across the Isthmus of Darien, under the auspices of the United States. I hope to be able to submit the results of that negotiation to the Senate during its present session.

The very liberal treaty which was entered into last year by the United States and Nicaragua has been ratified by the latter Republic.

Costa Rica, with the earnestness of a sincerely friendly neighbor, solicits a reciprocity of trade, which I commend to the consideration of Congress.

The convention created by treaty between the United States and Venezuela, in July, 1865, for the mutual adjustment of claims, has been held, and its decisions have been received at the Department of State. The heretofore recognized government of the United States of Venezuela has been subverted.

A provisional government having been instituted under circumstances which promise durability, it has been formally recognized.

I have been reluctantly obliged to ask explanation and satisfaction for national injuries committed by the President of Hayti. The political and social condition of the republics of Hayti and St. Domingo is very unsatisfactory and painful. The abolition of slavery, which has been carried into effect throughout the island of St. Domingo and the entire West Indies, except the Spanish Islands of Cuba and Porto Rico, has been followed by a profound popular conviction of the rightfulness of republican institutions, and an intense desire to secure them. The attempt, however, to establish republics there encounters many obstacles, most of which may be supposed to result from long indulged habits of colonial supineness and dependence upon European monarchical powers. While the United States have, on all occasions, professed a decided unwillingness that any part of this continent or of its adjacent islands shall be made a theater for a new establishment of monarchical power, too little has been done by us, on the other hand, to attach the communities by which we are surrounded to our own country, or to lend even a moral support to the efforts they are so resolutely and so constantly making to secure republican institutions for themselves. It is indeed a question of grave consideration whether our recent and present example is not calculated to check the growth and expansion of free principles, and make those communities distrust, if not dread, a government which at will consigns to military domination States that are integral parts of our Federal Union, and, while ready to resist any attempts by other nations to extend to this hemisphere the monarchical institutions of Europe, assumes to establish over a large portion of its people a rule more absolute, harsh, and tyrannical than any known to civilized powers.

The acquisition of Alaska was made with the view of extending national jurisdiction and republican principles in the American hemisphere. Believing that a further step could be taken in the same direction, I last year entered into a treaty with the king of Denmark for the purchase of the islands of St. Thomas and St. John, on the best terms then attainable,

and with the express consent of the people of those islands. This treaty still remains under consideration in the Senate. A new convention has been entered into with Denmark, enlarging the time fixed for final ratification of the original treaty.

Comprehensive national policy would seem to sanction the acquisition and incorporation into our Federal Union of the several adjacent continental and insular communities as speedily as it can be done peacefully, lawfully, and without any violation of national justice, faith, or honor. Foreign possession or control of those communities has hitherto hindered the growth and impaired the influence of the United States. Chronic revolution and anarchy there would be equally injurious. Each one of them, when firmly established as an independent republic, or when incorporated into the United States, would be a new source of strength and power. Conforming my administration to these principles, I have on no occasion lent support or toleration to unlawful expeditions set on foot upon the plea of republican propagandism, or of national extension or aggrandizement. The necessity, however, of repressing such unlawful movements clearly indicates the duty which rests upon us of adapting our legislative action to the new circumstances of a decline of European monarchical power and influence, and the increase of American republican ideas, interests, and sympathies.

It can not be long before it will become necessary for this Government to lend some effective aid to the solution of the political and social problems which are continually kept before the world by the two republics of the island of St. Domingo, and which are now disclosing themselves more distinctly than heretofore in the island of Cuba. The subject is commended to your consideration with all the more earnestness because I am satisfied that the time has arrived when even so direct a proceeding as a proposition for an annexation of the two republics of the island of St. Domingo would not only receive the consent of the people interested, but would also give satisfaction to all other foreign nations.

I am aware that upon the question of further extending our possessions it is apprehended by some that our political system can not successfully be applied to an area more extended than our continent; but the conviction is rapidly gaining ground in

the American mind that, with the increased facilities for inter-communication between all portions of the earth, the principles of free government, as embraced in our Constitution, if faithfully maintained and carried out, would prove of sufficient strength and breadth to comprehend within their sphere and influence the civilized nations of the world.

The attention of the Senate and of Congress is again respectfully invited to the treaty for the establishment of commercial reciprocity with the Hawaiian kingdom, entered into last year, and already ratified by that government. The attitude of the United States towards these islands is not very different from that in which they stand towards the West Indies. It is known and felt by the Hawaiian government and people that their government and institutions are feeble and precarious; that the United States, being so near a neighbor, would be unwilling to see the islands pass under foreign control. Their prosperity is continually disturbed by expectations and alarms of unfriendly political proceedings, as well from the United States as from other foreign powers. A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guarantee of the good-will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.

The emperor of Russia has acceded to the treaty negotiated here in January last for the security of trade-marks in the interest of manufacturers and commerce. I have invited his attention to the importance of establishing, now while it seems easy and practicable, a fair and equal regulation of the vast fisheries belonging to the two nations in the waters of the North Pacific Ocean.

The two treaties between the United States and Italy for the regulation of consular powers and the extradition of criminals, negotiated and ratified here during the last session of Congress, have been accepted and confirmed by the Italian government. A liberal consular convention which has been negotiated with Belgium will be submitted to the Senate. The very important treaties which were negotiated between the United States and North Germany and Bavaria, for the regu-

lation of the rights of naturalized citizens, have been duly ratified and exchanged, and similar treaties have been entered into with the kingdoms of Belgium and Wurtemberg, and with the Grand Duchies of Baden and Hesse-Darmstadt. I hope soon to be able to submit equally satisfactory conventions of the same character now in the course of negotiation with the respective governments of Spain, Italy, and the Ottoman Empire.

Examination of claims against the United States by the Hudson's Bay Company and the Puget Sound Agricultural Company, on account of certain possessory rights in the State of Oregon and Territory of Washington, alleged by those companies in virtue of provisions of the treaty between the United States and Great Britain of June 15, 1846, has been diligently prosecuted, under the direction of the joint international commission to which they were submitted for adjudication by treaty between the two governments of July 1, 1863, and will, it is expected, be concluded at an early day.

No practical regulation concerning colonial trade and the fisheries can be accomplished by treaty between the United States and Great Britain until Congress shall have expressed their judgment concerning the principles involved. Three other questions, however, between the United States and Great Britain remain open for adjustment. These are the mutual rights of naturalized citizens, the boundary question involving the title to the island of San Juan, on the Pacific coast, and mutual claims arising since the year 1853 of the citizens and subjects of the two countries for injuries and depredations committed under the authority of their respective governments. Negotiations upon these subjects are pending, and I am not without hope of being able to lay before the Senate, for its consideration during the present session, protocols calculated to bring to an end these justly exciting and long-existing controversies.

We are not advised of the action of the Chinese government upon the liberal and auspicious treaty which was recently celebrated with its plenipotentiaries at this Capital.

Japan remains a theater of civil war, marked by religious incidents and political severities peculiar to that long-isolated empire. The Executive has hitherto maintained strict neutrality among the belligerents, and acknowledges with pleasure that

it has been frankly and fully sustained in that course by the enlightened concurrence and co-operation of the other treaty powers; namely, Great Britain, France, the Netherlands, North Germany, and Italy.

Spain having recently undergone a revolution marked by extraordinary unanimity and preservation of order, the provisional government established at Madrid has been recognized, and the friendly intercourse which has so long happily existed between the two countries remains unchanged.

I renew the recommendation contained in my communication to Congress dated the 18th of July last—a copy of which accompanies this message—that the judgment of the people should be taken on the propriety of so amending the Federal Constitution that it shall provide—

1st. For an election of President and Vice-President by a direct vote of the people, instead of through the agency of electors, and making them ineligible for re-election to a second term.

2d. For a distinct designation of the person who shall discharge the duties of President, in the event of a vacancy in that office by the death, resignation, or removal of both the President and Vice-President.

3d. For the election of Senators of the United States directly by the people of the several States, instead of by the Legislatures; and,

4th. For the limitation to a period of years of the terms of Federal judges.

Profoundly impressed with the propriety of making these important modifications in the Constitution, I respectfully submit them for the early and mature consideration of Congress. We should, as far as possible, remove all pretext for violations of the organic law, by remedying such imperfections as time and experience may develop, ever remembering that “the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.”

In the performance of a duty imposed upon me by the Constitution, I have thus communicated to Congress information of the state of the Union, and recommended for their considera-

tion such measures as have seemed to me necessary and expedient. If carried into effect, they will hasten the accomplishment of the great and beneficent purposes for which the Constitution was ordained, and which it comprehensively states were "to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." In Congress are vested all legislative powers, and upon them devolves the responsibility as well for framing unwise and excessive laws, as for neglecting to devise and adopt measures absolutely demanded by the wants of the country. Let us earnestly hope that before the expiration of our respective terms of service, now rapidly drawing to a close, an all-wise Providence will so guide our counsels as to strengthen and preserve the Federal Union, inspire reverence for the Constitution, restore prosperity and happiness to our whole people, and promote "on earth peace, good-will toward men."

The most noteworthy points in this message were the President's claim of the utter failure of the Congressional plan of reconstruction, his proposition for partially repudiating the public debt, and his recommending steps to be taken toward amending the Constitution with a view of electing President and Vice-President by the popular vote without the intervention of the electoral college; for limiting the term of service of the Judges of the Supreme Bench to a number of years, etc.

Of course the impeachment trial had not sweetened the President's temper, nor had the failure of his impeachers tamed their sentiments of aversion towards him. While in pluck Mr. Johnson exhibited his character fully, his intemperate language toward, and constant abuse of, Congress took from him much

of the sympathy and respect he would otherwise have received. Indeed, as far as all his vulgar and villainous speeches were concerned, he was utterly unworthy of respect. In this particular no President had so disgraced the country. John Tyler had had a severe struggle with Congress, but throughout it all he did not forget that he was President, or what was due from him as such.

A few days after the session began a resolution was introduced in the Senate expressive of the strong desire of that body to cherish and uphold the honor of the Nation, and condemning and censuring the President's views of repudiation. The resolution was adopted by a party vote of forty-three Republicans and six Democrats. The House also on the same day declared "That all forms and degrees of repudiation of national indebtedness are odious to the American people." A number of Democrats joined the Republicans in sanctioning this honest proposition, but it remains a singular fact that six members of that party voted against it, and one of these was defeated as a candidate for governor of Kentucky in the convention in that State in 1883, by what his friends claimed as trickery of which he knew nothing.

A great part of the time of this short and unimportant session of Congress was taken up in discussing another amendment to the Constitution, as follows:—

"ARTICLE XV.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United

States or by any State on account of race, color, or previous condition of servitude.

“SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.”

On the 30th of January, 1869, the House passed the joint resolution proposing the submission of this amendment to the States, by a vote of one hundred and fifty against forty-two, four of the nays being Republicans. Thirty-one members did not vote, and most of these were Republicans. The Senate in February finally concurred in substantially the same form; but it was left to General Grant's Administration to carry out this last act in the work of reconstructing the rebel States.

As a merely party scheme this amendment to the Constitution has not resulted so favorably to the Republicans as it was believed and hoped it would do. And viewed from a statesman-like point, and one of justness and fitness, events have not justified the hopes of the friends of the measure, nor put beyond a doubt the question of the propriety of the act. Yet it may be perfectly safe to say that a majority of the white voters of this country would not undo this act of Congress, or deprive the negro of the privilege of voting. That would be the verdict of to-day, perhaps, although time is yet needed to show this momentous legislation in its true light. In a merely civil privilege, or right perhaps, like this, the “color line” is fading out, but it was a morally bold class of men who dared to stand up for and bring about negro suffrage against their own preferences

and prejudices (it may be without offense to say), and those of the greater part of their own race. If this has been a blessing to the colored race, and no evil to the white, and time shall prove it to have been greatly beneficial to the Nation and the world, the courageous men of the "Fortieth and Forty-first Congresses" who brought it about should richly deserve, and would have thrust upon their memory and their deed, the praises which are yet cautiously bestowed. No doubt the judgment of time will be correct.

On the 4th of March, 1869, with the incoming of the new Administration, Congress convened in extraordinary session according to previous provision. The Government for the last three or four years had virtually been under the administration of Congress, and the good that was done must be accredited mainly to that body. What President Johnson would have done, he could not do, and the good or evil of his policy must, to some extent, remain a question among good judges. One thing is, however, certain. He started out in the exact tracks of President Lincoln in his reconstruction plans, using, indeed, the very paper prepared by his predecessor, or using it as a foundation for his first steps in Virginia and North Carolina; and the general spirit that actuated his course gradually prevailed under his successor. He claimed with characteristic bitterness, that the Congressional plan was not only vicious and wicked, but that it was an utter failure. Still such is not the judgment of history. Doubts as to its being the

best which could have been devised, may be admitted. But General Grant and others who were sent South at the close of the Rebellion and who favored President Johnson's plan at the outset, believed later, when they saw a change in the disposition of the rebels, that his plan could not possibly result well for the country. And this opinion was confirmed by the appeals and the sufferings of Southern Unionists. The policy of Congress was severely disciplinary. But was that discipline not necessary? Slavery, the thing on which the Rebellion was based, had been struck down. Could this past source of all evil be left to the uncertain chances by which it was naturally surrounded? Would it have been wise to leave the work so incomplete, or the battle to be fought again? Where are to be found the indubitable proofs that all of this discipline and hardship to the South, and all of this vexatious military and political turmoil, were not necessary and best in the work of securing perpetual and eternal good to the regenerated Nation? Were not the blood of the war and the ills of reconstruction a price for the condition of permanent peace and union? Yet all of this admitted does not preclude the reflection that there might have been a more perfect way.

CHAPTER XIX.

A REVIEW — THE PRESIDENT AND CONGRESS — PLANS OF
RECONSTRUCTION—WHO WAS RIGHT?—PRESIDENT
JOHNSON'S FAREWELL ADDRESS—AN UN-
ATTRACTIVE PICTURE.

IT may be admitted as a fair and honest matter of dispute to-day whether the plan of reconstruction proposed and attempted by President Johnson was not preferable to the one adopted by Congress and put in its place. The opinion very largely prevalent at that time that Congress had the right to do anything it chose with the insurrectionary States was, perhaps, one of the many errors of the moment. A class of men favored the plan of reducing the rebellious States to territorial condition, and under military rule passing them gradually, after a long probation, by the usual steps, to the condition of loyal Free States. It may not yet be clear that this course would not have been better than the one which was taken. But the difficulty about the whole matter was that Congress had no right or power to do anything of the kind. It was a great error to suppose that the rebellion of a State gave the General Government the right to do what it pleased with the State after putting down the rebellion. Neither rebellion nor anything else could ever confer such

power on Congress. Under the true theory of the Constitution a State once established as such in the Union must always remain such; and no power in the Constitution or act of the State could take it out of the Union, or make it anything else than a State.

The use of the sword and the trials of the times had given rise to a sentiment not based upon the organic character of the Government, the real demands of the occasion, or the better and more elevated instincts of mankind. To put down rebellion and put in operation means to restore States to their active loyal position as States in the Union, were Constitutional and moral duties. The General Government and the States have no Constitutional right to destroy each other. They are perpetual, one in the other. The General Government has no right to impair or suspend the activities of a State longer than it fails to exert them in the spirit and letter of the Constitution.

It was held by men claiming intelligence that the President and Congress overstepped the boundaries of exact justice and right in treating as null and void the acts of the States while they were engaged in the Rebellion. But this was the utmost folly and drivel, und unworthy of mention otherwise than as making a part of the extravagance of the times. About the scope and character of the pardoning power there was much diversity of sentiment. But if a rebel against the Government, an assassin of the State, was not in need, and a subject, of this power nobody could be. Perhaps the President took the

true view of this case, and the rebels, at least, had no right to complain of his course.

Mr. Johnson's plan of reconstruction left out of consideration negro suffrage, and it was such as to bring speedily to the management of the affairs of the States those who had been among the leaders of the Rebellion. But in the main it was the course sanctioned by the Constitutional conditions of the Government, the Nation. And as to these two points, negro suffrage and those who should control the affairs of the States, recently in Rebellion, and share in the management of national politics, how did it finally result? The Republican Congress began at once to agitate the subject of negro suffrage, starting the work where it had undisputed rights, in the District of Columbia. But was this work of making this vast horde of persons, just liberated from centuries of bondage, the highest and best thing to be accomplished? Voting is no certain evidence of freedom, patriotism, manhood, or intelligence. Has universal suffrage accomplished what was claimed, what is yet claimed for it in this country? Have the Republicans gained for their party all they hoped to gain by giving the negroes this privilege? Like West Virginia, was it not a party error? But it can not be so coolly assumed that those who favored and brought about negro suffrage had no higher or better motive than advancing the interests of their party as a mere party. No, many earnest men believed the faithfulness of the negro to the cause of the Union, his efforts for its success, rendered the gift

of suffrage due him. Many more believed it was the broad road to the elevation of a long down-trodden race. These Republicans were the true democrats of the country.

The color question was disagreeable to them as it could be to any one. They could not overcome the feeling against it, nor have they yet done so. But principles they supposed to be right led them to conceal or control the sentiment. Principles which can so control the passions and acts of men must be deemed superior, and worthy of general admiration. As the motives of men can not be handled with utter freedom and indifference, so can not this question of citizen suffrage. It is a delicate question. There appear at times good reasons for suspending or abridging the privilege or right of suffrage. But where to begin or where to end in the work of abridgment it is difficult to say. It certainly would be desirable if all voters could be intelligent, and morally conscious of the responsibility of their actions. The poor man, so-called, may by his votes control monopoly, and curb the ever overreaching money-getter. Yet what assurance is there that the passions and necessities of man will not long continue to be matter of political traffic? Intelligence and virtue only are safe and trustworthy at the polls. These are the only safeguards of individual and community rights, and of national honor.

Mr. Johnson and the Republican party with him claimed that loyal men only should organize and control the insurrectionary States. Then, the Republi-

can party held that the President's policy tended directly to throw affairs into the hands of the former rebels, who were at heart yet rebels. This was, perhaps, true, for nearly all men in the South who were fit to manage the affairs of a State had been identified with the Rebellion. The result was that Congress with a two-thirds Union, Radical, or Republican majority, overthrew the President and his plan, and put in operation a plan of its own, throwing the insurrectionary States under military rule, and to a great extent reorganizing the State governments under men who had been citizens of Northern States, who came to be called "Carpet-baggers," and so bringing about negro suffrage and its accompanying guarantees by the force of necessity. And then what followed? Why, in the course of a few years, the Carpet-baggers took back seats, and the former rebels got the management of State affairs. Military rule could not be maintained always. Loyal negroes could not conduct the governments; they had not skill and intelligence sufficient, to say nothing of other disqualifying circumstances. The old rebels and secessionists drifted into power in the States, in politics, in Congress. And what had been accomplished over Mr. Johnson's plan? Negro suffrage, it is true. But Mr. Johnson only supposed this would be a question of time and preparation, and who can show that this stupendous blessing, if it was such in any sense, would not have followed in a reasonable time? This vote was at the outset of very little benefit to the Republican party in the old Slave

States, and now is of none whatever. In any case this vote in the old slave communities would be controlled by those who had always been at the head of politics. Nor was it likely that this control would change hands in generations, if ever. The Congressional plan landed matters finally about where President Johnson's would have placed them with a saving of much strife and ill-feeling.

In view of these things and all that has since transpired it may be doubted whether the censure bestowed on President Johnson has been sustained by the progress of events. If negro suffrage was a blessing to both races not to be deferred or left to the uncertain chances of the future, then the Congressional method was better than the President's, and there was an apology for the course that body took. But the advantages gained anywhere, by the suppression of the President and his plan, do not appear so clear at this day as could be desired. And the rupture between the President and Congress became a subject of national scandal and regret. Perhaps time has not justified Congress in making the issue in the intense manner it did. Nor can history acquit the President with a much stronger verdict than was reached by the impeachers. Still it by no means appears that the Nation would be better off had events occurred otherwise than as they have.

Drunk or sober, Mr. Johnson had told the negroes at Nashville that he would be their Moses to lead them up out of bondage. But he had never promised them suffrage. And when he became President

he was extremely frank with them, early letting them know that he was not favorably inclined toward the scheme to make them voters and politicians at once. As far as he had ever promised or pretended, he remained their friend. The charge of his inconsistency on this point can not be sustained. Nor, indeed, can it be proven that he deserted any of his previous record. The Unionists or Republicans and War Democrats elected him as a War Democrat, and his first act was to retain the Cabinet of Mr. Lincoln, a part of its members remaining with him to the last. Most of his early acts as President were in perfect accord with the loyal sentiment of the country, and a doubt, at least, may be attached to the opinion that his later acts were a reversal of his former career, promises, pretensions, or of his claim to genuine patriotism. Still the general sentiment which followed Mr. Johnson from the Presidential Chair, and which may be said to prevail yet in a fast gathering mist of moderation, indifference, and oblivion, is exhibited in the following extracts, the first from a speech of Thaddeus Stevens, and the other from a speech of General John A. Logan:—

“I can not begin now to attempt to unfold the policy of that man in whom you—I can hardly say myself—in whom the people confided as a true patriot, and whom we have now found to be worse than the man who is incarcerated in Fortress Monroe. I say that I am not very much disappointed. I opposed his nomination. It is our fault if we are cheated. Johnson was a Breckinridge Democrat, and he never renounced one principle of that Democracy. He only left them when they went out and he believed

they could not succeed; and no man can say that Johnson ever uttered one word in favor of the free institutions of the North before he became Vice-President. We, therefore, have only ourselves to blame. To be sure, we did not anticipate the present contingency; but since it has come upon us, let us bear it with patience until time shall enable us to correct this mistake, never, I hope, again to be repeated. I know not how you view these things. I believe that nations are punished by the Ruler of the Universe for national crimes. From my earliest hour to the present day, I have looked upon the oppression of men as a crime. I have no doubt for this great crime our brothers and friends and children now lie in bloody graves. I had hoped that the blood of a half million of our citizens, and the expenditure of five billions of money would have induced the destroying angel to put up his sword. We have not yet done justice to the oppressed race. We have not gone as far as the emperor of Russia when he ordered the freedom of thousands of his oppressed people and endowed them with the right of citizenship. We have been too much governed by our prejudices. We have listened too much to those whose cry is 'Negro Equality,' 'Nigger,' 'Nigger,' 'Nigger!' We are influenced too much by those persons from foreign lands who, while in search of freedom, deny that blessed boon to those who are their equals."

"Tell me to-day if you had Jeff Davis in the Presidential Chair, or Mr. Robert E. Lee, could they have done more for the rebels in this land than Andrew Johnson has since he has been President? If they could, I would like to know in what way they could have done it. If Jeff Davis had been President, what would he have done? He would have returned all the property to the rebels that they had lost. Andrew Johnson has done that. If Jeff Davis had been President he would have pardoned

all the rebels that asked him for pardon. Andrew Johnson has done that, and more too. If Jeff Davis had been President he would have denounced this Congress, and called them a set of traitors. Andrew Johnson has done that. If Jeff Davis had been President he would have appointed rebel governors down South to control those States. Andrew Johnson did the same thing. If Jeff Davis had been President he would have vetoed the Freedmen's Bureau Bill. Andrew Johnson did that. He would have vetoed the Civil Rights Bill. Andrew Johnson did that. He would have vetoed the first Reconstruction Act of Congress, and all the other acts, which Andrew Johnson has done."

It may not be necessary or advisable to review the great events which mark the history of this country, or to recall to mind here the work which has been laboriously attempted in these volumes. The century now drawing to a close has been a grand one for America and the world. But I shall not repeat the hackneyed and swelling thoughts about these things. They are present to the mind of the reflecting reader. The general story or lesson of the past is one of human progress. How stupendous have been the strides of the last hundred years! In the splendid panorama disappointments and regrets are little heeded. Buried with the past are all its "lost causes." Vain would be the desires and attempts to re-establish by-gone issues and obsolete dogmas. The old times can never be restored. We live in the dawn of a new era of mind and life. Under the unerring guidance of One, the All-wise, former things have passed away, and all things are becoming new.

The troublesome and unsuccessful Administration was drawing to a close. The friends of the incoming President were gathering at the Capital in great numbers. No so-called question of veracity between President Johnson and General Grant had obstructed the line in which the latter had fought his way to the White House.

With Mr. Johnson sentiment and feeling were likely to come before official courtesy. The unfavorable criticism of one or two of his predecessors did not turn him from a similarly crooked course. During the morning of the 4th of March his family withdrew from the White House, and he spent the greater part of the time at the Capitol signing the acts which accumulated towards the close of the session. He was willing to allow General Grant and his friends to manage the inauguration to suit themselves. His relations with Congress were not in the least softened, and when the "robe of office" fell from his shoulders he issued the following bitter address :—

WASHINGTON, March 3, 1869.

TO THE PEOPLE OF THE UNITED STATES:—

The robe of office by Constitutional limitation this day falls from my shoulders, to be immediately assumed by my successor. For him the forbearance and co-operation of the American people, in all his efforts to administer the Government within the pale of the Federal Constitution, are sincerely invoked. Without ambition to gratify, party ends to subserve, or personal quarrels to avenge, at the sacrifice of the peace and welfare of the country, my earnest desire is to see the Constitution of the Republic again recognized and obeyed as the supreme law of the land, and the whole people, North, South, East, and West, prosperous and happy under its wise provisions.

In surrendering the high office to which I was called four years ago, at a memorable and terrible crisis, it is my privilege, I trust, to say to the people of the United States a few parting words in vindication of an official course so ceaselessly assailed and aspersed by political leaders, to whose plans and wishes my policy to restore the Union has been obnoxious. In a period of difficulty and turmoil almost without precedent in the history of any people, consequent upon the closing scenes of a great rebellion and the assassination of the then President, it was perhaps too much on my part to expect of devoted partisans who rode on the waves of excitement, which at that time swept all before them, that degree of toleration and magnanimity which I sought to recommend and enforce and which I believe in good time would have advanced us infinitely further on the road to permanent peace and prosperity than we have thus far attained. Doubtless had I, at the commencement of my term of office, unhesitatingly lent its powers, or perverted them to purposes and plans outside of the Constitution, and become an instrument to schemes of confiscation and of general and oppressive disqualification, I would have been hailed as all that was true, loyal, and discerning, as the reliable head of a party, whatever I might have been as the Executive of a Nation. Unwilling, however, to accede to propositions of extremists, and bound to obey at every personal hazard my oath to defend the Constitution, I need not perhaps be surprised at having met the fate of others whose only rewards for upholding Constitutional rights and laws have been the consciousness of having attempted to do their duty, and the calm judgment of history. At the time a mysterious Providence assigned to me the office of President, I was, by the terms of the Constitution, the Commander-in-Chief of nearly a million of men under arms. One of my first acts was to disband and restore to the vocations of civil life this immense host, and to divest myself so far as I could of the unparalleled powers then incident to the office and the times. Whether or not in this step I was right, and how far deserving of the approbation of all the people, all can now on reflection judge, when reminded of the ruinous condition of public affairs that must have resulted from the continuance in the military service of such a vast number of

men. The close of our domestic conflict found the army eager to distinguish itself in a new field by an effort to punish European intervention in Mexico. By many it was believed and urged that, aside from the assumed justice of the proceeding, a foreign war in which both sides would cheerfully unite to vindicate the honor of the national flag and further illustrate the national prowess, would be the surest and speediest way of awakening national enthusiasm, reviving devotion to the Union, and occupying a force concerning which grave doubts existed as to its willingness, after four years of active campaigning, at once to return to the pursuits of peace. Whether these speculations were true or false, it will be conceded that they existed, and that the predilections of the army were for the time being in the direction indicated. Taking advantage of that feeling it would have been easy as the Commander-in-Chief of the army and navy, and with all the power and patronage of the Presidential office at my disposal, to turn the concentrated strength of the Nation against French interference in Mexico, and to inaugurate a movement which would have been received with favor by the military and a large portion of the people. It is proper in this connection that I should refer to the almost unlimited additional powers tendered to the Executive by the measures relating to Civil Rights and the Freedmen's Bureau, contrary to most precedents in the experience of public men. The powers thus placed within my grasp were declined as being in violation of the Constitution, dangerous to the liberties of the people, and tending to aggravate rather than lessen the discords naturally resulting from our Civil War. With a large army and augmented authority, it would have been no difficult task to direct at pleasure the destinies of the Republic, and to make secure my continuance in the highest office known to our laws. Let the people, whom I am addressing from the Presidential Chair during the closing hours of a laborious term, consider how different would have been their present condition had I yielded to the dazzling temptation of foreign conquest, of personal aggrandizement, and the desire to wield additional power. Let them with justice consider that I have not unduly magnified mine office, the public burdens have not been increased by my acts, and perhaps thousands or tens of thousands

of lives sacrificed to visions of false glory. It can not, therefore, be charged that my ambition has been of that ordinary or criminal kind which, to the detriment of the people's rights and liberties, ever seeks to grasp more and unwarranted powers, and to accomplish its purposes panders too often to popular prejudice and party aims.

What, then, have been the aspirations which guided me in my official acts? Those acts need not at this time an elaborate explanation. They have elsewhere been comprehensively stated and fully discussed, and become a part of the nation's history. By them I am ready to be judged, knowing that, however imperfect, they at least show to the impartial mind that my sole ambition has been to restore the Union of the States, faithfully to execute the office of President, and to the best of my ability to preserve, protect, and defend the Constitution. I can not be censured if my efforts have been impeded in the interests of party faction, and if a policy, which was intended to reassure and conciliate the people of both sections of the country, was made the occasion of inflaming and dividing still further those who, only recently in arms against each other, yet as individuals and citizens were sincerely desirous, as I shall ever believe, of burying all hostile feelings in the grave of the past. The bitter war was waged on the part of the Government to vindicate the Constitution, and save the Union; and if I have erred in trying to bring about a more speedy and lasting peace, to extinguish heart-burnings and enmities, and to prevent trouble in the South, which, retarding material prosperity in that region, injuriously affected the whole country, I am quite content to rest my case with the more deliberate judgment of the people, and, as I have already intimated, with the distant future. The war, all must remember, was a stupendous and deplorable mistake. Neither side understood the other, and had this simple fact and its conclusions been kept in view, all that was needed was accomplished by the acknowledgment of the terrible wrong, and the expression of better feeling, and earnest endeavor at atonement shown and felt. In the prompt ratification of Constitutional amendments by the Southern States at the close of the war, not accepting the war as a confessed false step on the part of those who inaugurated it, was an error which now only

time can cure, and which, even at this late date, we should endeavor to palliate, experiencing, moreover, as all have done, the frightful cost of the arbitrament of the sword. Let us in the future, cling closer than ever to the Constitution as our only safeguard. It is to be hoped that not until the burdens now pressing upon us with such fearful weight are removed, will our people forget the lessons of the war, and that, remembering them from whatever cause, peace between sections and States may be perpetual.

The history of late events in our country, as well as of the greatest governments of ancient and modern times, teaches that we have every thing to fear from a departure from the letter and spirit of the Constitution, and the undue ascendancy of men allowed to assume power in what are considered desperate emergencies. Sylla, on becoming master of Rome, at once adopted measures to crush his enemies and to consolidate the power of his party. He established military colonies throughout Italy, deprived of the full Roman franchise the inhabitants of the Italian towns who had opposed his usurpation, confiscated their lands and gave them to his soldiers, and conferred citizenship upon a great number of slaves belonging to those who had proscribed him, thus creating at Rome a kind of body-guard for his protection. After having given Rome over to slaughter, and tyrannized beyond all example over those opposed to him and the legions, his terrible instrument of wrong, Sylla could yet feel safe in laying down the ensigns of power so dreadfully abused, and in mingling freely with the families and friends of his myriad victims. The fear which he had inspired continued after his voluntary abdication, and even in retirement his will was law to a people who had permitted themselves to be enslaved. What but a subtle knowledge and conviction that the Roman people had become changed, discouraged, and utterly broken in spirit could have induced this daring assumption? What but public indifference to consequences so terrible as to leave Rome open to every calamity, which subsequently befell her, could have justified the conclusions of the dictator and tyrant in his startling experiment?

We find that in the time which has since elapsed human nature and exigencies in governments have not greatly changed.

Who, a few years ago, in contemplating our future, could have supposed that in a brief period of bitter experience, every thing demanded in the name of military emergency or dictated by caprice would come to be considered as mere matters of course; that conscription, confiscation, loss of personal liberty, the subjection of States to military rule and disfranchisement, with the extension of the right of suffrage merely to accomplish party ends, would receive the passive submission, if not acquiescence, of the people of the Republic? It has been clearly demonstrated by recent occurrences that encroachments upon the Constitution can not be prevented by the President, however devoted or determined he may be; that unless the people interpose there is no power under the Constitution to check a dominant majority of two-thirds of the Congress of the United States. An appeal to the nation is attended with too much delay to meet emergency; while if left free to act, the people would correct in time such evils as might follow legislative usurpation. There is danger that the same power which disregards the Constitution will deprive them of the right to change their rulers except by revolution. We have already seen the jurisdiction of the judiciary circumscribed when it was apprehended that the courts would decide against laws having for their sole object the supremacy of party, while the veto power lodged in the Executive by the Constitution for the interest and protection of the people, and exercised by Washington and his successors, has been rendered nugatory by a partisan majority of two-thirds in each branch of the National Legislature. The Constitution evidently contemplates that when a bill is returned with the President's objections, it will be calmly reconsidered by Congress. Such, however, has not been the practice under the present party rule. It has become evident that men who pass a bill under partisan influences are not likely, through patriotic motives, to admit their error, and thereby weaken their own organizations by solemnly confessing it under the official oath. Pride of opinion, if nothing else, has intervened and prevented a calm and dispassionate reconsideration of a bill disapproved by the Executive.

Much as I venerate the Constitution, it must be admitted that this condition of affairs has developed a defect which, under

the aggressive tendency of the Legislative Department of the Government, may readily work its overthrow. It may, however, be remedied without disturbing the harmony of the instrument. The veto power is generally exercised upon Constitutional grounds, and whenever it is so applied, and the bill returned with the Executive's reasons for withholding his signature, it ought to be immediately certified to the Supreme Court of the United States for its decision. If its Constitutionality shall be declared by that tribunal, it should then become a law. But if the decision is otherwise, it should fail without power in Congress to re-enact and make it valid. In cases in which the veto rests upon hasty and inconsiderate legislation, and in which no Constitutional question is involved, I would not change the fundamental law; for, in such cases no permanent evil can be incorporated into the Federal system. It is obvious that without such an amendment the Government, as it existed under the Constitution prior to the Rebellion, may be wholly subverted and overthrown by a two-thirds majority in Congress. It is not, therefore, difficult to see how easily and how rapidly the people may lose (shall I not say have lost?) their liberties by an unchecked and uncontrollable majority in the law-making power; and, whenever deprived of their rights, how powerless they are to regain them?

Let us turn for a moment to the history of the majority in Congress, which has acted in such utter disregard of the Constitution, while public attention has been carefully and constantly turned to the past and expiated sins of the South, and the servants of the people in high places have boldly betrayed their trust, broken their oaths of obedience to the Constitution, and undermined the very foundations of liberty, justice, and good government. When the Rebellion was being suppressed by the volunteered services of patriot soldiers, amid the dangers of the battle-field, these men crept, without question, into place and power in the national councils. After all dangers had passed, when no armed foe remained—when a penitent people bowed their heads to the flag and renewed their allegiance to the Government of the United States, then it was that pretended patriots appeared before the Nation and began to prate about the thousands of lives and millions of treasure sacrificed in the suppres-

sion of the Rebellion. They have since persistently sought to inflame the prejudices engendered between the sections, to retard the restoration of peace and harmony, and by every means to keep open and exposed to the poisonous breath of party passion the terrible wounds of a four years' war. They have prevented the return of peace, and the restoration of the Union; in every way rendered delusive the purposes, promises, and pledges by which the army was marshaled, treason rebuked, and rebellion crushed; and made the liberties of the people, and the rights and powers of the President, objects of constant attack. They have wrested from the President his Constitutional power of supreme command of the army and navy; they have destroyed the strength and efficiency of the Executive Department by making subordinate officers independent of, and able to defy, their chief; they have attempted to place the President under the power of a bold, defiant, and treacherous cabinet officer; they have robbed the Executive of the prerogative of pardon, rendered null and void acts of clemency granted to thousands of persons under the provisions of the Constitution, and committed gross usurpation by legislative attempts to exercise this power in favor of party adherents; they have conspired to change the system of our Government by preferring charges against the President in the form of articles of impeachment, and contemplating before hearing or trial that he should be placed in arrest, held in durance, and when it became their pleasure to pronounce his sentence, driven from place and power in disgrace; they have in time of peace increased the national debt by a reckless expenditure of the public moneys, and thus added to the burdens which already weigh upon the people; they have permitted the nation to suffer the evils of a deranged currency to the enhancement in price of all the necessities of life; they have maintained a large standing army for the enforcement of their measures of oppression; they have engaged in class legislation, and built up and encouraged monopolies that the few might be enriched at the expense of the many; they have failed to act upon important treaties, thereby endangering our present peaceful relations with foreign powers. Their course of usurpation has not been limited to inroads upon the Executive Department. By unconstitutional and oppressive enactments

the people of ten States of the Union have been reduced to a condition more intolerable than that from which the patriots of the Revolution rebelled. Millions of American citizens can now say of their oppressors, with more truth than our fathers did of British tyrants, that they have "forbidden the Governments to pass laws of immediate and pressing importance, unless suspended until their assent should be obtained;" that they have "refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature, a right inestimable to them and formidable to tyrants only;" that they have "made judges dependent upon their will alone for the tenure of their offices and the amount and payment of their salaries;" that they have erected a multitude of new offices and sent further swarms of officers to harass our people and eat out their substance; that they have affected to render the military independent and superior to the civil power; combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; quartered large bodies of armed troops among us; protected them by a mock trial from punishment for any murders which they should commit on the inhabitants of these States; imposed taxes upon us without our consent; deprived us in many cases of the benefit of trial by jury; taken away our charters; incited domestic insurrection among us; abolished our most valuable laws; altered fundamentally the forms of our Government; suspended our own Legislatures, and declared themselves invested with power to legislate for us in all cases whatsoever.

This catalogue of crimes, long as it is, is not yet complete. The Constitution vests the judicial power of the United States in one Supreme Court, whose jurisdiction shall extend to all cases arising under the Constitution and the laws of the United States. Encouraged by this promise of a refuge from tyranny, a citizen of the United States, who by the order of a military commander, given under the sanction of a cruel and deliberate edict of Congress, had been denied the Constitutional rights of liberty of conscience, freedom of the press and of speech, personal freedom from military arrest, of being held to answer for crime only upon presentment of an indictment, of trial by jury,

of the writ of *habeas corpus* and the protection of a civil and Constitutional Government—a citizen thus deeply wronged appeals to the Supreme Court for the protection guaranteed him by the organic law of the land. At once a fierce and excited majority, by the ruthless hand of legislative power, stripped the ermine from the Judges, transferred the sword of justice to the General, and remanded the oppressed citizen to a degradation and bondage worse than death. It will also be recorded as one of the marvels of the times that a party claiming for itself a monopoly of consistency and patriotism, and boasting of its unlimited sway, endeavored, by a costly and deliberate trial, to impeach one who defended the Constitution and the Union, not only throughout the War of the Rebellion, but during the whole term of office as Chief Magistrate, but, at the same time, could find no warrant or means at their command to bring to trial even the chief of the Rebellion. Indeed, the remarkable failures in this case were so often repeated that, for propriety's sake, if for no other reason, it became at last necessary to extend to him an unconditional pardon. What more plainly than this illustrates the extremity of party management and inconsistency on one hand, and of faction, vindictiveness, and intolerance on the other? Patriotism will hardly be encouraged when, in such a record, it sees that its instant reward may be most virulent party abuse and obloquy, if not attempted disgrace. Instead of seeking to make treason odious, it would, in truth, seem to have been their purpose rather to make the defense of the Constitution and Union a crime, and to punish fidelity to an oath of office, if counter to party dictation, by all the means at their command.

Happily for the peace of the country, the war has determined against the assumed power of the States to withdraw at pleasure from the Union. The institution of slavery, also, found its destruction in a Rebellion commenced in its interest. It should be borne in mind, however, that the war neither impaired nor destroyed the Constitution, but on the contrary, preserved its existence, and made apparent its real power and enduring strength. All the rights granted to the States or reserved to the people are therefore intact. Among those rights is that of the people of each State to declare the qualifications

of their own State electors. It is now assumed that Congress can control this vital right, which can never be taken away from the States without impairing the fundamental principle of the Government itself. It is necessary to the existence of the States as well as to the protection of the liberties of the people; for the right to select the elector in whom the political power of the State shall be lodged, involves the right of the State to govern itself. When deprived of this prerogative, the State will have no power worth retaining. All will be gone, and they will be subjected to the arbitrary will of Congress. The Government will then be centralized, if not by the passage of laws, then by the adoption, through partisan influence, of an amendment directly in conflict with the original design of the Constitution. This proves how necessary it is the people should require the administration of the three great departments of the Government to be strictly within the limits of the Constitution. Their boundaries have been accurately defined, and neither should be allowed to trespass on the other; nor, above all, to encroach upon the reserved rights of the people and the States. The troubles of the past four years will prove to the Nation blessings, if they produce so desirable a result.

Upon those who become young men amid the sound of cannon and the din of arms, and who quietly returned to the farms, the factories, and the schools of the land, will principally devolve the solemn duty of perpetuating the Union of the States, in defense of which hundreds of thousands of their comrades expired, and hundreds of millions of national obligations were incurred. A manly people will not neglect the training necessary to resist aggression, but they should be jealous lest the civil be made subordinate to the military element. We need to encourage in every legitimate way a study of the Constitution for which the war was waged; a knowledge of, and reverence for, whose wise checks, by those so soon to occupy the places filled by their seniors, will be the only hope of preserving the Republic. The young men of the Nation, not yet under the control of party, must resist the tendency to centralization, an outgrowth of the great Rebellion, and be familiar with the fact that the country consists of the "United States," and that

where the States surrendered certain great rights for the sake of a more perfect Union, they retained rights as valuable and important as those they relinquished for the common weal. This sound old doctrine, far different from the teachings that led to the attempt to secede, and a kindred theory, that the States were taken out of the Union by the rash acts of conspirators that happened to dwell within their borders, must be received and advocated with the enthusiasm of early manhood, or the people will be ruled by corrupt combinations of the commercial centers, which, plethoric from wealth, annually migrate to the Capital of the Nation to purchase special legislation. Until the Representatives of the people in Congress more fully exhibit the diverse views, and the interests of the whole Nation and laws cease to be made without full discussion at the behest of some party leader, there will never be a proper respect shown by the law-making power either to the Judicial or Executive branch of the Government. The generation just beginning to use the ballot-box, it is believed, only need that their attention should be called to these considerations to indicate by their votes that they wish their Representatives to observe all the restraints which the people, in adopting the Constitution, intended to impose on party excess.

Calmly reviewing my administration of the Government, I feel that (with a sense of accountability to God, having conscientiously endeavored to discharge my whole duty) I have nothing to regret. Events have proved the correctness of the policy set forth in my first and subsequent messages. The woes which have followed the rejection of forbearance, magnanimity, and Constitutional rule are known and deplored by the Nation. It is a matter of pride and gratification, in retiring from the most exalted position in the gift of a free people, to feel and know that in a long, arduous and eventful public life my action has never been influenced by desire for gain, and that I can in all sincerity inquire, Whom have I defrauded? Whom have I oppressed? or, At whose hand have I received any bribe to blind my eyes therewith? No responsibility for wars that have been waged or blood that has been shed rests upon me. My thoughts have been those of peace, and my effort has ever been to allay contentions among my countrymen. Forgetting the

past, let us return to the first principles of the Government, and unfurling the banner of our country, inscribe upon it in ineffaceable characters, "The Constitution and the Union, one and inseparable."

• ANDREW JOHNSON.

WASHINGTON, D. C., March 4, 1869.

CHAPTER XX.

THE WHITE HOUSE UNDER THE JOHNSONS—MR. JOHNSON
AT GREENVILLE—IN CONGRESS—DEATH—THE
CLOSING SCENE—A MONUMENT—THE
MAN—HIS WORK.

ELIZA McCARDLE, the wife of President Johnson, does not appear among the women whose good fortune made them mistresses of the historic White House. This privilege, in her husband's term of office, fell to the lot of her daughter, Mrs. Patterson. Mrs. Johnson's poor health rendered her unfit to bear the burden which custom, fashion, and perhaps folly, have attached to the "Lady of the White House." Her inclinations, too, entirely unfitted her for such duties, as did also her lack of experience in the fashionable world. She was wholly domestic in her disposition, having devoted her life almost entirely to the quiet of her home and the care of her family. During her husband's public services before the war, both at Washington and in the State Capital, she remained in her home at Greenville, only once, for a month or two, visiting Washington in the spring of 1861. She had been a beautiful woman, but it was in her mind and character that she was a source of untold wealth to her husband. His uncultured and stern nature had received many a refining touch from her hand

and society. Not until 1854 did her own mother die, and two years subsequently her husband's mother. During all her married life these two old people had been the objects of her care, and with her children and the other responsibilities of her home she had occupied her time and affections. Her own children were Martha, Mary, Charles, Robert, and Andrew, and these were all living, the daughters married, when the war for the first time separated her by force from her husband. Early in the spring of 1862, she was notified by Kirby Smith, then commanding the rebels in East Tennessee, to pass in a few hours beyond his lines with her family. But she was unable to comply with the demand, and did not reach her husband, who was then Military Governor, at Nashville, until in October. Here she remained until the removal of the whole family to Washington City in the spring of 1865.

Their son Charles, graduating as a physician, was appointed surgeon of the "First Tennessee Infantry," but was soon afterwards thrown from his horse and killed. Robert, who also became an officer in the Union army and had studied to be a lawyer, died suddenly in his father's house immediately after the family returned to Greenville in the spring of 1869. The other son married, but also died not long after his parents, leaving no children.

In June, 1865, the Johnsons took possession of the White House, where Mrs. Johnson remained, as unknown to the fashionable and frivolous race of flatterers that gathered around the place, as if she had

never been, until the end of her husband's troublesome Administration, when she was carried home with the hope of spending a few quiet years under circumstances more congenial to her character and physical infirmities.

In 1852, Mary, the second daughter of President Johnson, married Daniel Stover, a prosperous farmer of East Tennessee. Like his father-in-law, Stover attached himself to the Union cause, and was distinguished early in the war as one of its most daring defenders. He raised a regiment in Kentucky, known as the "Fourth Tennessee Infantry," but he died in 1864 of disease contracted in his early efforts to maintain the Union authority in East Tennessee. Mrs. Stover had three children, and these were with her in the White House during the greater part of her father's Presidency. She was attached to her mountain home and friends, and was utterly destitute of sympathy with any of the usages of fashionable society at the National Capital. No woman who ever aided in "doing the honors" of the President's Mansion, perhaps, acted so mechanically, or took so little real interest or delight in the work. She had no disposition or qualifications for such a position, and some time before the rest of the family left the White House she withdrew with her children to her home in Tennessee. But for this step she had an extraordinary inducement, which may appear in the fact that on the 20th of April, 1869, she was married to William R. Brown, of Greenville, and is still living. Her daughter, Lilly, who was a bright child in her

grandfather's time at the White House, is now the wife of a Greenville lawyer.

Mrs. Martha Patterson, the oldest child of President Johnson, and the wife of David T. Patterson, who made some figure in the politics of his State, and represented Tennessee in the United States Senate, was, properly speaking, the "Lady of the White House" during her father's term of office. Mrs. Patterson was not a beauty, but she possessed much of her father's strength of character, had very considerable managing ability, was a careful and successful housekeeper, and was not without some knowledge of social affairs, although she cared little for the fuss and folly of fashionable life. She received a fair education, partially gained in a school in Georgetown, while her father was attending the sessions of Congress. This was during the official term of President Polk, by whose request she spent some time in the White House, acquiring a familiarity with its affairs which was not without benefit to her at a later period. In 1856 she was married to Mr. Patterson, and when she entered the White House as its mistress in June, 1865, she added her two children to the merry family of little ones whose voices for a long time broke the quietness of the stately old mansion.

By reckless usage in the last years of the war, and especially in the lamentable events which led to her father's Presidency, the furniture of the Executive Mansion was badly scuffed, and the not very attractive old place made barely inhabitable. Congress made a small appropriation for renewing and

repairing and generally renovating the establishment, and during the spring and summer of 1866 Mrs. Patterson undertook herself to make the purchases and superintend the whole work, believing that the only way to reach the required result with the scant means provided. Her success appears quite evident from the eulogiums heaped upon her at the time, and by some of her warm friends at a later date.

For a time after the death of Mr. Lincoln, the President's Mansion was, to a great extent, closed against the usual ceremonials which made so great a part of the history of the place. . But on the first day of the new year, 1866, the President held his first reception. With him, in the place which had been for the most part occupied by the wives of the Presidents, was Mrs. Patterson, assisted by her reluctant sister, the widow of Colonel Stover. From this time on affairs at the White House wore the usual aspect, growing in "brilliancy," as the tongue runs in Washington gossip, till the end of Mr. Johnson's term of office. Mrs. Patterson accompanied her father on his famous tour, known as his "swing around the circle," and was, of all his children, most his counselor and friend. This plain family made a good reputation at the White House, and left it with the regrets, sympathies, and well-wishes of many friends.

She who was its energetic but quiet and unshowy little mistress during this stormy period, now a widow, resides near Greenville, Tennessee, little known or sought by the gay world, and comparatively

oblivious herself to any calls it may choose to make upon her.

Mr. Johnson and his family left Washington with the sympathy and friendship of a large percentage of its population and of the country, and as he journeyed towards his home, even his old enemies in the South gathered to cheer him on the way.

After the close of his Presidential term Mr. Johnson gave his time mainly to the work of arranging his old papers and letters and writing an occasional letter to a friend, but remained comparatively quiet until elected United States Senator in 1875. His name had been before the Legislature for this office for some time, but he had not been successful, being defeated in 1870 by Henry Cooper, ran independently in 1872, dividing the party vote with B. F. Cheatham, and giving the election to Horace Maynard. His final election gave great satisfaction to his friends, to many of the people of his State, and many of the Democratic leaders of the North, who desired to see him face to face with his political adversaries at the National Capital. The Legislature had, in fact, been pressed by the party managers in other States to take this step, and the success of it was deemed a triumph by them, as it was a matter of personal congratulation to Mr. Johnson himself. In the special session of the Senate in the spring of 1875 he appeared in that body and made a speech against the course pursued by Congress in the affairs of Louisiana. But this was his last appearance at Washington. He had accepted an invitation to make

some "stump" speeches in the fall of that year, and was preparing to leave his home for that purpose when his remarkable career was unexpectedly brought to an end.

On the 31st of January, 1844, J. Q. Adams made this record in his diary:—

"I hurried up to the Capitol to be there at the meeting of the House. The report on the rules was immediately taken up, and Andrew Johnson, a new member from Tennessee, made an hour's speech in support of the gag-rule, and especially abusive upon me. So they all are. I am compelled not only to endure it with seeming insensibility, but to forbear, so far as I can restrain myself, from all reply. This man took at once the ground that Congress have no power to abolish slavery in the District of Columbia, because the Legislatures of Virginia and Maryland had no such power before their cession of the two parts of the District to the United States. All the arguments of the speech were on a level with this."

In his pictures of himself, called "Anecdotes of Public Men," John W. Forney, contrasts Lincoln and Johnson in these words:—

"Many a fierce conflict took place in his (Mr. Lincoln's) presence between angry politicians, but it required a very strong provocation to overbalance his judgment or his equanimity. Not so, however, with an appeal for mercy; not so with a petition from the poor. Here he was as weak as a woman, and more than once mingled his tears with the gentler sex. There are few parallels to such a character, but many contrasts.

"The contrast between Lincoln and Johnson may be illustrated by an accident connected with the unhappy fourth of March, 1865, when Andrew Johnson was inaugurated Vice-President in the Senate Chamber. I do not

desire to see the curtain rise before a scene that both parties seem willing to expunge, the Republicans, who apologized for it when it occurred, and the Democrats, who regretted it after Johnson joined their despairing columns. But I can never forget President Lincoln's face as he came into the Senate Chamber while Johnson was delivering his incoherent harangue. Lincoln had been detained signing the bills that had just passed the old Congress, and could not witness the regular opening of the new Senate till the ceremonies had fairly commenced. He took his seat facing the brilliant and surprised audience, and heard all that took place with unutterable sorrow. He then spoke his short inaugural from the middle portico of the Capitol, and rode quickly home. Bitter maledictions were immediately hurled against the new Vice-President. I hastened to his defense to the best of my abilities, believing the affair to have been an accident. Threats of impeachment were common in both parties, especially among the Democrats; and the crusade got so fierce at last that I found myself included among those who had helped Mr. Johnson to his exposure. But no voice of anger was heard from Abraham Lincoln. While nearly all censured and many threatened, Mr. Lincoln simply said: 'It has been a severe lesson for Andy, but I do not think he will do it again.'

"In a little more than a month, Lincoln was in his grave and Johnson his successor. Both have had their trial before the same people. The verdict on each is irreversible. What was at first a parallel has become a contrast. And this contrast grows stronger with every hour, and will stand through all time as a warning to the nations."

In the "Nashville Union and American" I find this dispatch, dated Saturday, July 31, 1875:—

"Mr. Johnson left Greenville on Tuesday in his usual health, on a visit to his daughter, Mrs. Brown, who resides

on a farm six miles from the railroad and two miles from Elizabethton, in Carter County. On Wednesday evening he was stricken with paralysis, mainly affecting his left side and rendering him unconscious. Medical aid was instantly summoned, but the symptoms were so serious that for a day his life hung in the balance."

He had just eaten a great dinner, and while sitting alone with his granddaughter, Lilly Stover, his tongue refused to move and he fell from his chair to the floor. For the first day he declined medical aid, believing he would soon recover his former condition. But the paralysis gradually extended over his entire person, and of this and heart difficulties he died at half past two o'clock on the morning of July 31, 1875. His wife, children, and grandchildren were with him at the time of his death, but long before the end came he was "unconscious," and his tongue was forever silent.

On Sunday morning, August 1st, Mr. Johnson's body was taken to Greenville, and remained at his former home until the 3d, when it was interred with Masonic rites, all religious ceremonies being excluded, according to Mr. Johnson's known desires.

The correspondent of the "Nashville Union and American" wrote:—

"This morning an elegant floral wreath was placed on the casket, with two beautiful sentiments on white silver-edge ribbon, 'The People's Friend,' 'He sleepeth.'

"The hearse was drawn by four bay horses, with black velvet caparisoning, silver trimming, and varied Masonic insignia. Horses and hearse had their nodding plumes of black and white, and each horse was led by a colored groom.

When the solemn clods began to fall upon his incased body, deep and universal sobs came from the surging masses. All pressed forward as if to see the last glimpse of the casket which contained the remains of the distinguished dead, but most beloved, because he was the kind neighbor and cheerful friend.

“Returning trains have borne away the multitudes. Horses and carriages have taken away sobbing friends to their mountain coves and valleys, and yet the gloom still lingers as though the guardian spirit of the place had taken its flight.”

The body was buried on what was called Johnson's Hill, about half a mile south-west of the town of Greenville. This spot is a part of a fifty-acre tract owned by Mr. Johnson, and there his monument stands overlooking the town and railroad. Mr. Johnson's body was interred in a suit of clothes presented to him after his last political election, by one of “the people,” a tailor of Chattanooga; thus, in every way was he, to the last, connected with “the people.” But here, at death, the association stopped, and on going into the grave, the truth or pretension he had always held appeared to be repudiated or overlooked. His monument is, perhaps, the only thing connected with his memory which does not ally him with “the people,” or justify and sustain his claim to being an apostle to the humble, or that does controvert his right to the coveted title of “Commoner.”

The pretensions of a great democrat are not carried out in a magnificent monument, far secluded from and elevated above the common resting-place of the mortal parts of “the people.” He who was always boast-

ing of springing from the people, working for the people, confiding in the people, living for them, being one of them, detesting the aristocracy and being lifted up by the people, and professing unwavering confidence in them to the last, should have remained among them in his death. The logically consistent democrat would certainly will that his mortal parts, at least, should lie among those of "the people."

In Andrew Johnson's mere moral code the most exalted quality was gratitude. This has always been the creed of kings. Great selfish natures have ever exalted gratitude. But this quality, as so elevated, is hardly in the Christian code.

"Lovest thou me?" "Feed my sheep," point to a new and radical doctrine. In this code to love and be grateful is to do well to others. To be faithful to a benefactor is to act as he has done. To obey the highest model is to love others as you love yourself. The fallacy of returns and equivalents is hardly to be found, either in the creed or heart of the wise, the good, the true, the genuine. The unselfish heart and hand have their reward in the good they do.

On the 5th of June, 1878, the monument erected to Mr. Johnson was "unveiled" in the presence of several thousand persons. The record of the event says:—

"After the arrival at the monument, the family and invited guests, including the Knights Templar, took seats on the stand erected for the purpose, when Mr. C. Van Gunden, of the firm of Van Gunden, Young & Drumm, of Philadelphia, Pa., builders of the monument, spoke as follows:

" 'Mr. President, on the 31st of March, 1877, Mrs. Martha

J. Patterson, Mrs. Mary J. Stover, and Andrew Johnson, Jr., children of the late President Johnson, contracted with us for the construction of this work. We have felt ourselves highly honored in being chosen by them, for we had not only the artists' and mechanics' pleasure, but, as American citizens, have felt grateful in being permitted, though in a humble way, to perpetuate the memory of Tennessee's greatest statesman. We have, with conscious integrity, devoted our best skill to the execution of the task confided to us, and now, with thanks to the devoted family of our beloved ex-President for their unremitting courtesy and kindness during the progress of the work to its completion, I place in your keeping the result of our united labors, and may the memory of their filial love and patriotic devotion, expressed in the structure before us, and the deeds of the noble dead whose ashes sleep beneath this monument, be gratefully remembered for ages to come.'

"The great flag enfolding the monument then, as if by magic, fell gracefully down, and disclosed the tribute of children's affection to noble and loving parents. It had been beautifully decorated by the ladies of Greenville with a garland of laurel, wrapped spirally around it, and a wreath of laurel in the eagle's beak, while numerous bouquets of surpassing beauty adorned the niches in the die and base. Under the arch, the graves were strewn with choicest flowers and foliage.

"Standing on the crest of a prominent conical hill, half a mile southwest of Greenville, the monument commands a noble landscape, stretching away for miles to the distant mountains that line the horizon. The marble shaft rises in the center of the Johnson burying ground, a circular grassy plot, thirty feet in diameter. Side by side lie the graves of the dead statesman and his wife. A few steps south are buried their sons, Charles and Robert, the former of whom, a surgeon in the Federal army, met a tragic death during the war, by being thrown from his horse while in Nashville.

"The monument is twenty-seven feet high, with a measurement of nine by seven feet at the base—which is of gray granite, and composed of three pieces—the low, broad arch and the two supports which rest upon a limestone foundation set five feet in the solid slate of Monument Hill. This arch spans the graves

of Mr. and Mrs. Johnson some three feet above the ground surface.

"On the arch rests the die, about three feet high and four feet square, flanked on either side by a half pyramidical wing, on the top of each of which stands an urn holding a funeral torch. Next above the die is the pedestal, also about three feet high and two feet square, the bottom and top both ornamented round about with a molding, bead fillet, and concave. Above the pedestal stands the shaft of white Italian marble about fifteen feet in height, square, with beveled corners, plain at the bottom, the upper half draped with the stars and stripes, and surmounted with a globe on which is perched an outspread eagle, also of white Italian marble, poised as if in defense from an expected attack from below.

"The pedestal is ornamented with a scroll Constitution immediately above an open Bible, on the left-hand page of which rests an open hand pointing towards the Constitution and also representative of the act of taking the oath of office under it. The die bears the following inscription :

<p>ANDREW JOHNSON, SEVENTEENTH PRESIDENT OF THE UNITED STATES.</p> <p>BORN DEC. 29, 1808. DIED JULY 31, 1875.</p> <p>His Faith in the People never wavered.</p>	<p>ELIZA JOHNSON.</p> <p>BORN OCT. 4, 1810. DIED JAN. 15, 1876.</p> <p>In Memory of Father and Mother.</p>
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"The east face of the monument alone bears inscriptions; the others are plain. A neat substantial iron palisade incloses the monument and family burial ground, and the whole is distinctly visible from the railway, approaching Greenville from the West. The cost of the monument was nearly nine thousand dollars."

Soon after Mr. Johnson's death some effort was made on the part of well-meaning friends to place him among religious men, at least among theoretical Christians. The following writing, said to have been

in his hand and to have been found among his papers, was circulated :—

“*Greenville, June 29, 1873.*—All seems gloom and despair. I have performed my duty to my God, my country and my family. I have nothing to fear. Approaching death is to me the mere shadow of God’s protecting wing. Beneath it I almost feel sacred. Here, I know, can no evil come. Here I will rest in quiet and peace, beyond the reach of calumny’s poisoned shaft, the influence of envy and jealous enemies, where treason and traitors in State, backsliders and hypocrites in Church, can have no place; where the great fact will be realized that God is truth, and gratitude the highest attribute of men. *Sic itur ad astra.* Such is the way to the stars of immortality.”

This paper has some decided traits of genuineness, but that it is so is by no means clear. It is supposed that it was written at a very sickly period in Greenville, and from that fact perhaps, even if it were the production of Mr. Johnson, some doubt may be cast upon its value.

A more general sentiment went abroad that Mr. Johnson was a sort of atheist, an infidel at all events. But while his life was largely confirmatory of this opinion, it is also surrounded by doubtful circumstances. His parents were both Christians, and although they were not teachers of Christianity or of anything else, their influence must not be counted for naught, and especially in the case of his mother, who lived until he was well advanced in life. Throughout his public career he attended religious services, and at times with much regularity. He was much attached to several clergymen, and seldom missed

their sermon. Few public speakers were more in the habit of quoting Scripture than was Mr. Johnson. The passages he used he had made especial efforts to learn and apply to the cases in question. Nor was he hypocrite enough to use these Scriptures without himself having faith in their truth and justice. He was a reader of the Bible, and there is no evidence that he read for evil purposes, or otherwise than as a searcher and believer. Religious pretense and hypocrisy he hated, and these, he came to believe, entered largely into the professions of men. Although there were undoubted examples before him, perhaps much of this feeling toward society had with him a weak, hasty, and flimsy foundation. With all his faith in "the people," or claim to such faith, and all his devotion to their interests, and his adhering to his own classification with them, it does not appear very clear that he ever fully trusted them, or had an unbending respect for their integrity and wisdom. It is certain that he mistrusted the leaders. It was his extreme feeling of distrust, and his disgust for pretense and cant which led him to forbid religious services in his own funeral.

There need be no question, however, that the reverential and religious elements were not only not prominent in his character, but also that he made no attempt to educate them, and suspected, to some extent, such efforts of others on their own part. He never, of course, united with any Church organization, not even exhibiting the weakness and folly of doing this at the last hour. He evidently felt him-

self safe, whether from false or true grounds. He was, at times, to the end of his life, exceedingly profane; but, besides this and his drinking, perhaps little can certainly be charged against him. Of his religion, his friend George W. Jones, who knew better than any other man, said in his oration at the tomb of Johnson: "He did not affect piety, and was not communicative of whatever religious views he entertained. So thoughtful as he was, it is probable that he held some, but he kept that account with his Maker alone."

He gave freely of what he had to those whom he recognized as justly having demands upon his own or the attentions of others. He did not make a business of telling of what he did, and often his most unselfish acts were known to few persons. He was never a gambler, or an idler. He neither practiced nor patronized many evils to which many men fall, and yet he had one of the worst and lowest of all the passions of men, that of "strong drink."

In the latter half of his life he drank a great deal of whisky, and some of his enemies claim, that giving him his choice at any time, he would take the meanest whisky, his instincts all directing him towards the lowest of the mean. After his return home in 1869, his dissipation was more marked, and to the last he took periodical "sprees." While in public life he was seldom or never, perhaps, so far under the influence of this enemy as to be unable to act his part.

Mr. Johnson's fault in this respect must ever be

a source of shame to the American people, and a blight on the memory of a man who stood among his countrymen as a giant in general intellectual endowments.

Mr. Johnson, while supporting the dogma of State Rights in some sense, was not strictly speaking a State-Rights Democrat, and certainly not a follower of Mr. Calhoun or any of the extreme men of his party in any section. There was never a conflict between his views of the relation of the States to the General Government. He said there was no place for the State to regain any of its rights but in the Union, and when the contest actually came, with him the assumed rights of the States disappeared before the supremacy of the General Government, and his devotion to it. During his Presidency he did, however, assume a position on this point which was not in harmony with his former course, and which, in the main, was pleasing to the old defenders of the dogma. The stand he took in favor of the Union at all hazards made him a mark of great respect at the North. In 1861 his services in the border States especially were in great demand, and as a speaker wherever he went he made a fine impression. His speeches were elaborate and convincing defenses of the National Government, and in opposition to secession. His appearance and manner established his sincerity, and in the loyal section of the Nation few men stood higher than Andrew Johnson. His conduct in the delicate position of Military Governor of Tennessee, very especially and favorably recom-

mended him to the loyal parts of the country, and there was little doubt or division as to the propriety of placing him on the ticket as Vice-President with Mr. Lincoln.

On taking possession at Nashville, he delivered an address to the people and soon afterwards published an "Appeal to the People." The tone of these and all his subsequent orders and acts was of the most patriotic and determined character. From the enemies of secession he received the highest commendation. But at home where his acts were felt, and his private and public habits better understood, the verdict was not so unanimous. Politics never improved his private character. Some of his acts as Military Governor at Nashville were severely criticised, and much dissatisfaction, not to say disgust and hatred, was aroused on account of the course he took with the negroes; but in the main his administration of affairs at Nashville has long been looked upon as being as equitable as could have been expected under the circumstances. Many of those imprisoned, or sent from their homes for disloyalty, are at the head of those who believe in his moral turpitude. Still, some of his acts making demands upon rebels, bitterly condemned at the time, have since been quite generally deemed just, even among men who were fighting to overthrow the Government. A thorough investigation of the stories of his irregularities while Military Governor of Tennessee does not place them upon a historic foundation. To the failure to understand his character and

motives may be attributed the severe strictures passed upon him by those brought into unpleasant relations with him against their wills.

As to his official integrity and the correctness of his monetary dealings, there is now no division of opinion at Nashville or elsewhere. Nobody questions Mr. Johnson's exact and scrupulous honesty. Although he engaged in politics exclusively after leaving the tailor's bench, and although at the end he left seventy-five or one hundred thousand dollars, it would be difficult to find a man in Tennessee who would say that Johnson made any of it by official speculation or any other dishonesty. On this point there is a common voice among the people with whom he lived. How absolute integrity in this way can be reconciled to political insincerity or villainous demagogism, must be left to the reasoning of those who claim that Mr. Johnson was an unmitigated demagogue in the worst sense of that term.

The distinction of a genuine statesman he never reached, but he was one of the most able and powerful politicians of his times. His power over his party in Tennessee was at times almost absolute, and to the people he seldom appealed in vain. Considering himself as descended from and belonging to that vast, poor, unlearned mass, called "the people," he adhered to them and preferred them, and, indeed, seemed to feel and act as if any other place was not suited to his origin and mission. To the pretensions of wealth and aristocracy he was always unfriendly, nor could his own success or the allurements of

public position, or the attentions and flatteries of the followers of public men with political patronage, ever turn him from the place he had taken among the people.

That he was insincere in his attachments can not be proven. He was not a man of individual friendships; at least his relations with his most intimate political and official associates never led him to confide in them his purposes and desires. He communicated his mind and purposes directly to the people. There was no sharp policy in this conduct. It was not a pretense with him. If it was, habit often led him to pursue it when no benefits accrued to him. His force in the party was not dependent upon the friendship of party leaders. This was the natural outcome of his individual power, and his chosen and well-understood relation to the people. Party leaders were often not in accord with him, and seldom or never wholly so.

The "Nashville Union and American" said of him: "That Mr. Johnson, with his lack of early education and literary cultivation, with his ignorance of the higher branches of philosophy and science, should have failed often to take the most comprehensive views of many questions presented to his consideration, is not strange, but natural."

With all his boyhood deficiencies and his mean educational opportunities, his progress and acquirements were prodigious; and although he seemed to shun the society of those who were said to have been "more fortunate in life," he never failed to appear in

all his strength on the "stump." There, before "the people," he was in his element. And there his naturally stupendous faculties became irresistible. His retentive mind never failed him. He knew well his mental and physical powers, and was always ready to fight his own battles. He read little but politics, rejected mere declamation, seldom resorted to levity, dealt with facts, blows which swept his less weighty adversaries from before him; and although it was never quite to the taste of the Democratic leaders of the State to acknowledge his influence, it was true all the same that for many years he was the most powerful man in the affairs of Tennessee. Although quite incomparable with General Jackson in some respects, his intellectual endowments were vastly superior, and his progress and elevation in public affairs were much more matters of wonder and admiration. Tennessee has not only given to history these two remarkable men, but she presents in the record of her public characters an unusual array of talent and strength based upon similarly unfavorable origins.

Mr. Johnson had a degree of moral courage which led him to dare, to risk, to espouse any cause, no matter how desperate or unpopular or inexpedient to himself, if he had faith in it, and believed it right. He was always ready to defend his sentiments and principles by his presence, although he had no personal encounters and was not a duelist.

His Presidency had the effect to restore him to the position which he occupied before the war among

his Southern friends and constituency. While he was greatly lauded for rejecting the course planned for him by the Republican leaders, it was never felt that secession had gained a friend. No man in his State believes that Andrew Johnson changed his principles, or lost his devotion to an undivided and united country. His partiality for the mass of "the people" of his section no doubt had something to do with the course he took in the work of reconstruction. But that he sympathized with them in their errors and their disloyalty, nobody believes in Tennessee.

Unlike most of the Ex-Presidents, Mr. Johnson had no notion of setting himself up as another Presidential shrine. Such a sentiment was not democratic enough for him. He still remained one of "the people," and was ready to do their bidding.

In nothing could Andrew Johnson have been a debauchee. He was too much engaged. His aspirations were too high. He worked incessantly among what he deemed important political schemes, and in preparing himself to be equal to them when an emergency arose. Without education, he became one of the most logical and able speakers in the country. In his many political contests his method and industry became almost irresistible. He had every point at his command. If he failed in memory, he made up for the failure in method. He was at a loss for nothing. One of his old admirers in Nashville told me that he had made, bound, and indexed seven political campaign scrap-books for Johnson, and no

man knew better how to use them. He was never a very fascinating speaker. He did not sink to the folly of what is called eloquence. He went straight for the facts, and few men ever listened to him without admiration. His will-power was stupendous. He allowed nothing to thwart him. His natural judgment was seldom at fault, and the fulfillment of his predictions made him almost oracular. Many of his principles and purposes were statesman-like. His patriotism was of an exalted type, without State or sectional lines, and of this great quality he remained jealous to the last. And altogether, his character was made of a wonderful combination of traits, leaving him no superiors in his State, and few in the Nation.

Whatever may be said for or against the plan of reconstruction adopted by Congress and that set up by President Johnson, these facts remain, namely: that before the Congressional plan had been inaugurated the bloody foment of reconstruction had fairly begun in the South; that the Southern idea of government mainly prevailed in the end in the resumption of the "white man's government;" that the lords of the soil are still the lords of labor in the South. It was in the midsummer of 1868 before the plan of Congress was put into operation. Up to that time President Johnson's provisional governors, under the supervision of the generals commanding the districts, had directed the affairs of the insurrectionary States. Early in 1866, the complex secret order commonly known as the Ku-Klux Klan was organized in the

South, and not till the spring and summer of the following year was the Republican party set up in that section. It is not necessary here to make a special review of the bloody record of the Klan. The common memory of those days has not been erased. The dust of time has not yet concealed from view the "White Brotherhood," "The Society of the Pale Faces," "The Knights of the White Camellia," "The Invisible Empire," and other orders under the general term of Ku-Klux, which illustrated in their thousands of deeds of brutality and murder the character of the boasted civilization of the South. Before the "Carpet-bagger" arrived from the North, before the plan of Congress had even been settled upon, much less put into practice, the "Klan" began its work. The investigations of Congress during the first term of President Grant's Administration revealed the true purposes of this order and its incredibly barbarous deeds. It numbered a half million of the Southern people, and although it had its origin with, and was led by, such rough and reckless men as N. B. Forrest, of Fort Pillow notoriety, yet it is true, beyond a doubt, that many or most of the prominent men of the South were connected with the Klan, and that its acts of barbarity and crime were, to a great extent, sanctioned by the public sentiment of the section.

This Ku-Klux conspiracy was another phase of the Rebellion, and there is no ground on which to base the opinion, perhaps, that it would not have occurred under any possible plan of reconstruction.

It arose in the determination to keep the negro substantially where he had been, in subjection to the "superior race," the "master-race," and on this issue a conflict was inevitable. Like the first acts of secession, the first doings of the Klan were viewed at the North with indifference, or laughed at as a play upon the fears of the ignorant freedmen. The Klan took its origin under the Thirteenth Amendment to the Constitution, which President Johnson made a primary condition of reconstruction, and gained its full vigor under the Fourteenth and Fifteenth Amendments. The President's plan would have rendered the work of the Klan easy. That of Congress made it difficult. President Johnson said that the plan of Congress had utterly failed in its purpose, which was, to a great extent, true. The governments finally fell into the hands of the rebels instead of the loyal people of the South. Nobody has ever denied that his policy would not have had the same end. It is vain now to speculate on other plans which might have been adopted. That any other would have proved preferable to the one that was adopted may be a matter of doubt.

The Rebellion was, at least, successful in the battle-field and in the evil work of the Ku-Klux Klan in destroying slavery, the thing it attempted to make respectable and eternal; in destroying the sophistry of secession; and, to some extent, killing the fatal and extreme phases of the dogma of "State Rights." The conflict between Northern and Southern civilization, after twenty years, still goes on. But the

final result is not doubtful. Time and necessity are slowly and peacefully doing the work. A citizen of the South, of Northern extraction, has long ceased to be a "Carpet-bagger," and in a generation or two the sun will shine on one civilization in America, in a strong, united, homogeneous Republic of States.

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